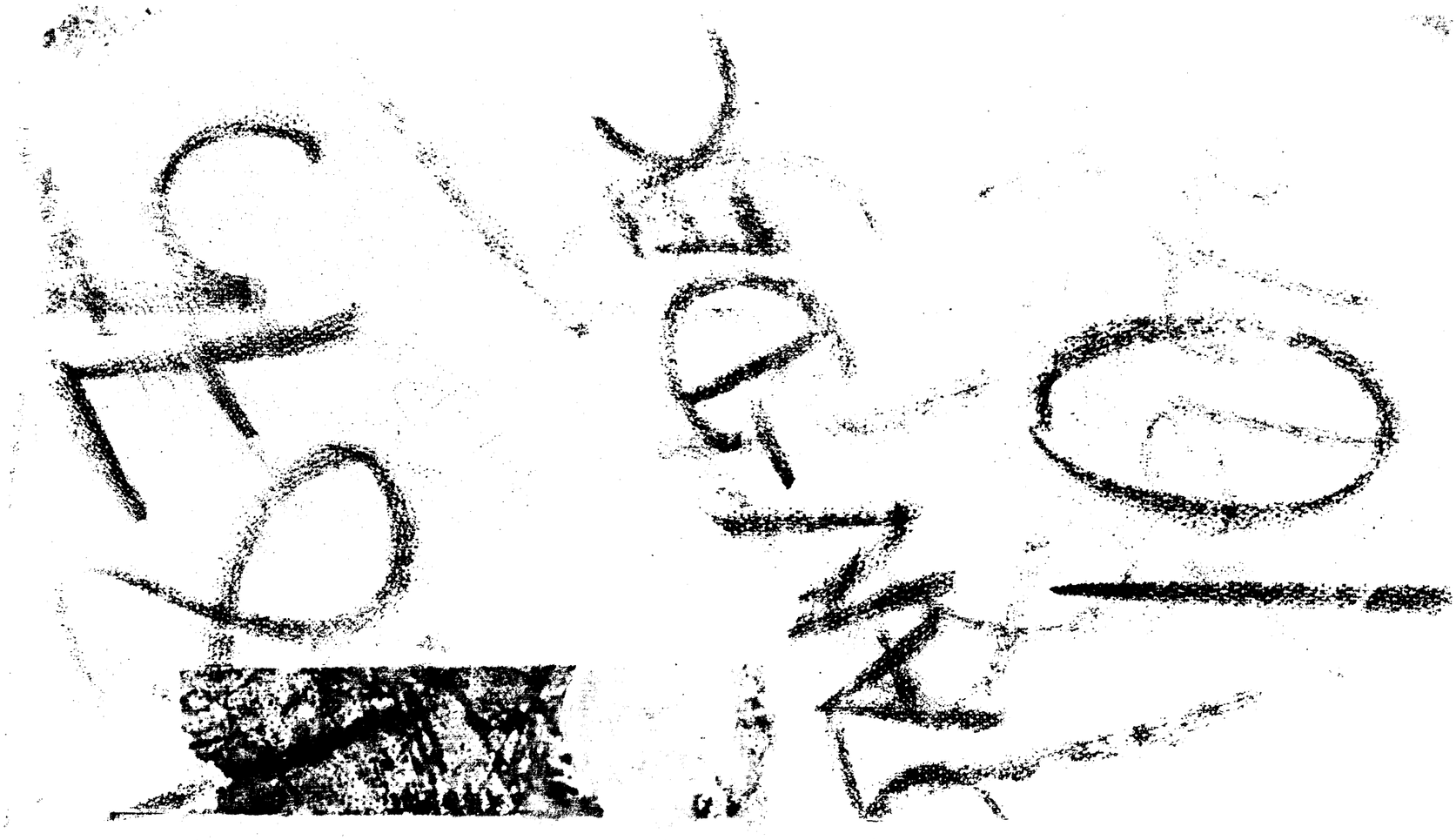


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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1874, and is hereby promulgated for general information:—

Act No. XVI of 1874.

An Act for the repeal of certain Obsolete Enactments.

Preamble.

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of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Enactments in schedule repealed.

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 The enactments described in the schedule annexed to this Act are hereby repealed to the extent mentioned in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived, by, in, or from any enactment hereby repealed:

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

Short title.

Commencement.

2. This Act may be cited as "The Repealing Act, 1874;" it extends to the whole of British India; and it shall come into force on the passing thereof.

SCHEDULE.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
VIII of 1835 ...	Decrees for Rent ...	So much as has not been repealed.
X of 1836 ...	Indigo Contracts ...	In sections two, three and four, the first six words.
XX of 1836 ...	Quashing Batwáras ...	In section two, the words and figures "And it is hereby enacted that from the said first day of October, 1836." In section three, the words "And it is hereby enacted that."
XXI of 1836 ...	Creation of Zilas ...	The words and figures "It is hereby enacted, that from the first day of October, 1836."
XXVI of 1836 ...	Governor General's Camp-Police.	In section one, the first five words; and in sections two, three and four, the first six words.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—(*continued*).

Number and year.	Subject.	Extent of repeal.
III of 1837 ...	Bengal Sadr Courts ...	So much as has not been repealed.
IV of 1837 ...	Power to acquire land ...	In section one, the first twelve words; and in section two, the first six words.
VI of 1837 ...	Cuttack Málguzárs ...	The first five words.
XXII of 1837 ...	Offences against Revenue Regulations (Madras).	So much as has not been repealed.
XXIX of 1837 ...	Power to prescribe language to be used in judicial proceedings.	The whole Act.
XXXVI of 1837 ...	Criminal jurisdiction (Madras).	In section two, the first six words, and the words "and that."
VII of 1838 ...	Bengal judiciary ...	So much as has not been repealed.
XII of 1838 ...	Treasure trove (Madras)	The words and figures "It is hereby enacted, that from the first day of July 1838."
XVI of 1838 ...	Bombay judiciary ...	Section six; and in each of sections two, three, four and five, the first six words.
XVIII of 1838 ...	Sureties (Bombay) ...	In section one, the first twelve words. In sections two, three, four, five and six, the words "And it is hereby enacted, that."
XIX of 1838 ...	Coasting vessels (Bombay).	In sections two to fourteen (both inclusive), the words "And it is hereby enacted, that;" In section two the words and figures "from the said first day of November 1838" and in section fifteen, the words and figures "And it is hereby enacted, that from the first day of November 1838."
XXII of 1838 ...	Bengal judiciary ...	So much as has not been repealed.
XXIX of 1838 ...	Salt Department (Bengal).	In each of sections two to thirteen, and seventeen to twenty-two (both inclusive), twenty-four, twenty-five, twenty-six, thirty and thirty-three, the words "And it is hereby enacted, that."
IX of 1839 ...	Pauper suits ...	So much as has not been repealed.
XX of 1839 ...	Levy of hakks, &c., (Bombay).	In section one, the first seven words; in sections two and three, the first six words.
XXIV of 1839 ...	Ganjam and Vizagapatam.	In section two, the words and figures "And it is hereby enacted, that from and after the said first day of December 1839." In sections three, four, five, six, seven and eight, the first six words.
VI of 1840 ...	Bills of Exchange ...	In section one, the words and figures "from and after the first day of May, in the year of our Lord 1840." In section two, the first twelve words. In each of the remaining sections, the first six words.
IX of 1840 ...	Damages, &c. ...	In section two, the first six words.
X of 1840 ...	Temple of Jagannáth ...	In sections two and three, the first six words.
XV of 1840 ...	Agents of Foreign Sovereigns (Bombay).	So far as relates to Bombay Regulation XV of 1827.
XVII of 1840 ...	Salt laws (Madras) ...	The words and figures "in modification of Regulation V of 1831, of the Madras Code."
XIX of 1840 ...	Pauper appeals ...	So much as has not been repealed.
XXIII of 1840 ...	Execution of process ...	In sections two, three, four, six and seven, the first six words; in section five, the first five words; and the word 'that' where it first occurs.
I of 1841 ...	Collection of Revenue ...	The whole Act.
VII of 1841 ...	Examination of absent witnesses.	So much as has not been repealed.
VIII of 1841 ...	Interpleader ...	In sections two, three, four, five and seven, the first six words.
X of 1841 ...	Registry of Ships ...	In sections two, three, four, five, six, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-three, twenty-four and twenty-five, the first six words. In section eight, the first fourteen words. In section twenty-six, the first eight words.
XI of 1841 ...	Military Courts of Requests.	In sections three to seventeen (both inclusive), the first six words. In section five, the words and figures "of the East India Company, under Act No. VII of 1841," and "pursuant to the provisions of Act No. VII of 1841."

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—(*continued*).

Number and year.	Subject.	Extent of repeal.
		In section fifteen, the words and figures "(for which purpose the provisions of Act No. II of 1840 shall be applicable)."
XII of 1841 ...	Sales of land for arrears of Revenue.	In section two, the first six words, and the words and figures "which shall fall due after the date specified in section XXXV of this Act."
XVIII of 1841 ...	Arms and Ammunition...	In section three, the first six words.
XIX of 1841 ...	Curators ...	In sections two to nineteen (both inclusive), the first six words.
XXIV of 1841 ...	Illusory appointments, &c.	In section two, the first six words and the words "from the first day of January next." In section four, the first forty-three words, and the words "from the first day of January next." In section five, the first six words.
XXVI of 1841 ...	Extension of parts of 3 & 4 Wm. IV., C. 42.	In sections three, four, seven and nine, the first six words. In section eight, the first five words and the word "that."
XXVII of 1841 ...	Unclaimed dividends ...	In section two, the first six words.
IV of 1842 ...	Boat regulations (Madras)	In section one, the first fourteen words. In sections two, three, four, six to nineteen (both inclusive), twenty-one and twenty-four, the first six words. Section twenty. In sections twenty-two and twenty-three, the first seven words.
XII of 1842 ...	Military Bázárs ...	Section two, so far as it relates to Act No. XXVIII of 1841, and the first six words.
XIII of 1842 ...	Collection of Revenue (Bombay).	In section two, the first six words, and the words "that it." In sections three to eight (both inclusive), the first six words.
II of 1843 ...	Appeals ...	The whole Act.
V of 1843 ...	Slavery ...	In section one, the first seven words. In sections two and three, the first eight words. In section four, the first six words.
XI of 1843 ...	Hereditary officers (Bombay).	In section two, the word 'And.' In sections three, four, five and six, eight, ten to fifteen (both inclusive), the first six words. In sections seven and nine, the first seven words.
XII of 1843 ...	Judicial language ...	The whole Act.
VI of 1844 ...	Customs Duties (Madras).	Section six. In sections eight to fifteen (both inclusive), the first six words.
XVI of 1844 ...	Salt Duties (Bombay) ...	The preamble. Section six, down to and including the words "weight and that" and the word "Company's."
VIII of 1845 ...	Security for costs ...	The whole Act.
XXI of 1845 ...	Meriah sacrifices ...	The whole Act.
I of 1846 ...	Pleaders	Sections one, two and three; and in sections four and six to thirteen (both inclusive), the first six words. In section five, the words "nevertheless and it is hereby enacted."
III of 1846 ...	Boundary marks (Bombay)	In sections five and six, the first six words.
XI of 1846 ...	Khándesh and Ahmadnagar.	In sections two, three, four and five, the first six words.
IX of 1847 ...	Assessment of lands gained by alluvion or dereliction.	In sections, two, three, five, six and nine, the first six words. Section four down to and including the words "and that."
XX of 1847 ...	Copyright	In section three, the first six words, and the words "and that." In section five, the first eleven words, and the words "and that." In section six, the first five words, and the words "and that." In section seven, the first five words. In sections eight and nine, the first twelve words.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*(continued)*.

Number and year.	Subject.	Extent of repeal.
		In sections ten and eleven, the first six words.
		In sections twelve to sixteen (both inclusive), the first five words.
XIV of 1848 ...	Commissions ...	In section one, the first six words.
IX of 1849 ...	Police Magistrates (Madras).	So much as has not been repealed.
IX of 1850 ...	Presidency Small Cause Courts.	In section six, the words and figures "within the meaning of Act VII of 1841, section VI."
XIX of 1850 ...	Apprentices ...	In sections five and twenty-three, the words "the East" and "Company."
XXXIII of 1850 ...	Sales of Patní tenures ...	In section one, the first six words.
XXXVII of 1850 ...	Inquiries into behaviour of public servants.	In section eight, the words and figures "by Act XXX, 1841."
III of 1852 ...	Spirituous liquors (Bombay).	Section nine.
VII of 1852 ...	Salt Revenue (Madras)	In section four, the words and figures "in the manner prescribed by clause 2, section XXXIII, Regulation XI of 1816, of the Madras Code."
XI of 1852 ...	Title to rent-free estates (Bombay).	Section one from and including the words "and no order" to the end.
XXIII of 1852 ...	Mitigation of Fines ...	The whole Act.
XXX of 1852 ...	Naturalization ...	Section nine.
XVIII of 1853 ...	Sale of spirits in Cantonments.	In section sixteen, the words and figures "shall not come into operation before the 1st day of January 1854, and."
XVIII of 1854 ...	Railways ...	In the preamble, the words "under the superintendence and control of the East India Company," and "in any part of the territories in the possession and under the Government of the said Company."
		In section two, the words "or of the East India Company."
		Sections thirty-two and thirty-three.
XXXI of 1854 ...	Fines and recoveries: tenants in tail and married women.	In the title and preamble, the words "to abolish real actions and also fines and common recoveries, and."
		In section thirteen, the words "the East" and "Company."
		Section nineteen.
XXXIII of 1854 ...	Judicial language ...	The whole Act.
XIV of 1855 ...	Military Bázárs, Madras	The whole Act.
XVIII of 1855 ...	Pardons and Reprieves ...	The whole Act.
XXIII of 1855 ...	Administration of mortgaged estates.	In section one, the first eight words.
XXIV of 1855 ...	Penal Servitude ...	In section one, the first six words and the words "the East" and "Company".
XXXII of 1855 ...	Embankments ...	Section nineteen, and the last seven words of section eighteen.
XI of 1856 ...	European deserters ...	In section two, the words "or for any of the Settlements of Prince of Wales' Island, Singapore and Malacca."
		In section four, the words and figures "Act No. XIV of 1849, or."
XIII of 1856 ...	Presidency Towns Police	In the title and preamble, the words "and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca."
		In section two, the definitions of "station" and "Her Majesty's Supreme Court of Judicature."
		The expressions "and stations" "or station" "or stations" wherever they occur in the Act.
		Section nine.
		In section twenty-two, the words "and within the said Settlement."
		In sections forty-seven, forty-eight and seventy-four, the words "or the East India Company."
		Section fifty-three, from and including the words "or of any" down to and including "1851."
		Section one hundred and eighteen.
XIV of 1856 ...	Improvement of Presidency Towns.	So much as has not been repealed.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*(continued)*.

Number and year.	Subject.	Extent of repeal.
XIX of 1856 ...	Emigration ...	So much as has not been repealed.
XXV of 1856 ...	Municipal rates ...	The whole Act.
IV of 1857 ...	Tobacco (Bombay) ...	In section four, the words and figures "within the meaning of Act XXV of 1836."
XXI of 1857 ...	Suburbs of Calcutta	In the title, the words "of the Suburbs of Calcutta and"; in the preamble, the words "the Suburbs of the said town of Calcutta and of," and the words "Suburbs and" in each of the places where they occur.
		In section one, the words "Suburbs or."
		In section four, the words "or the East India Company."
		In the schedule, the words *"Suburbs of Calcutta and"* and the Part headed "SUBURBS OF CALCUTTA."
XXIX of 1857 ...	Land Customs (Bombay)	In section four, the words "as above provided."
		In section five, the words and figures "and the provisions of sections IV, V and VI of the said Act I of 1852 shall be applicable to the persons so appointed."
I of 1858 ...	Forced labour (Madras)	In section six, the words "or District" in each of the places where they occur, and so much of that section as relates to Madras Regulation VII of 1816.
XXXIV of 1858 ...	Lunacy (Charter Courts)	Section thirty-one, from and including "and shall" down to the end of the section.
XXXVI of 1858 ...	Lunatic Asylums ...	In section six, the words "and the Stations of the Straits Settlement" and "and Stations."
		In section seven, the words "or in any Station of the Straits Settlement."
		In section seventeen, the words and figures "or to affect the provisions of Act IV of 1849, entitled *'An Act for the safe custody of Criminal Lunatics.'*"
XXXVII of 1858 ...	Nawáb of the Carnatic ..	Section three.
I of 1859 ...	Merchant Seamen ...	In section one hundred and twelve, the last eleven words.
III of 1859 ...	Cantonment Joint Magistrates.	Section eleven.
VII of 1859 ...	Customs ...	So much as has not been repealed.
XIII of 1859 ...	Masters and Workmen	In section one, the words "or in any Station of the Settlement of Prince of Wales' Island, Singapore and Malacca."
XVIII of 1859 ...	Punishment of offences...	Section one.
XXIII of 1859 ...	Land Customs ...	The whole Act.
XXIV of 1859 ...	Police (Madras Presidency).	Section twelve.
		In section fifty-two, the words and figures "in manner provided by Act II of 1839."
VIII of 1860 ...	Telegraphs ...	In section eighteen, the words "or for the Settlement of Prince of Wales' Island, Singapore, and Malacca."
XVI of 1860 ...	Presidency Municipalities	The whole Act.
XXI of 1860 ...	Registration of Societies	In sections one and eighteen, the words and figures "under Act XIX of 1857."
XXII of 1860 ...	Chittagong ...	Section seven.
XXIII of 1860 ...	Abkárí (Bengal) ...	In section one, the words and figures "On and after the 21st January 1860," and in section four, the word "said."
XXVII of 1860 ...	Collections of debts on successions.	Section one.
XXXI of 1860 ...	Arms	In section twenty-five, the words "Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, or for any other."
		Sections thirty-seven, thirty-eight and thirty-nine.
		In section forty-one, the words "or Station."
XLVIII of 1860 ...	Presidency Towns Police	In the title, the words *"and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca."*

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—(*continued*).

Number and year.	Subject.	Extent of repeal.
		In section four, the words "or in any of the Stations of the Straits Settlement," and "or of the Courts of Judicature of such Stations," and "or in the Court of Judicature."
V of 1861 ...	Police	Section eleven.
XVII of 1861 ...	Customs Duties (North-Western Provinces).	In section one, the words and figures "From and after the ninth day of March 1861."
		Section three.
IV of 1863 ...	Treaty with Burma ...	Section four.
XIX of 1863 ...	Partition	In section two, the words "after the passing of this Act."
XX of 1863 ...	Religious Endowments...	In the preamble, the words and figures "and whereas it is expedient for that purpose to repeal so much of Regulation XIX. 1810 of the Bengal Code, and Regulation VII. 1817 of the Madras Code, as relate to endowments for the support of mosques, Hindoo Temples, or other religious purposes."
		In section twenty-two, the words "after the passing of this Act."
VI of 1864 ...	Whipping	Sections nine and ten.
VII of 1864 ...	Salt (Central Provinces)	Section four.
XIX of 1864 ...	Mirzápur	Section four.
XXIV of 1865 ...	Warrants of Attorney ...	So much as has not been repealed.
XXX of 1865 ...	Madras Irrigation Company.	Section two.
XXI of 1866 ...	Native Converts' re-marriage.	Section two.
		In section thirty-four, the words and figures "or in Acts Nos. XXV of 1864 and V of 1865" and from and including the words "and no Clergyman" to the end of the section; and section thirty-five, from and including the words "But it may" to the end of the section.
XXV of 1866 ...	Transfer to Government of certain securities.	In the title and preamble, the words "and in the Supreme Court of the Straits' Settlement."
		In section one, the words "or Supreme Court of the Straits' Settlement."
		So much of section two as has not been repealed.
		In section four, the words "or Supreme Court, as the case may be," and the words "and, in the case of proceeds transferred and paid under the second section of this Act by order of the Supreme Court of the Straits' Settlement, be established to the satisfaction of the same Court."
XXVII of 1866 ...	Trustees and Mortgagees	In section two, the words *"to abolish real actions and also fines and common recoveries, and."*
		Section fifty-five.
XXVIII of 1866 ...	Trustees and Mortgagees' powers.	In section one, the words "and the Supreme Court of Judicature of the Settlement of Prince of Wales' Island, Singapore and Malacca."
		Section forty-seven.
III of 1867 ...	Public Gambling ...	Section eighteen.
XIII of 1867 ...	Port-dues (Maulmain and Bassein).	In section three, the first eight words.
XIV of 1867 ...	Pándharí (Central Provinces).	Section seven.
XVIII of 1867 ...	Jhánsí Civil Courts ...	In section three, the words "from the date of this Act coming into operation."
		Section twenty-six.
XIX of 1867 ...	Darjeeling... ...	Section one.
XXIII of 1867 ...	Murderous Outrages (Panjáb.)	Section three.
XVIII of 1868 ...	Nílgiri Hills ...	Section four.
XXV of 1868 ...	Coorg Courts ...	The second paragraph of section one.
		Section twenty-five.
XI of 1869 ...	Land Customs (Madras and Bombay).	Section three.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—(*continued*).

Number and year.	Subject.	Extent of repeal.
		In section four, the words and figures "schedules to the said Act No. XVII of 1867, or any other."
XV of 1869 ...	Prisoners' testimony ...	In sections seven and eight, the words and figures "appointed under Act No. XXI of 1863" and "appointed under the said Act No. XXI of 1863."
XVI of 1869 ...	Bhután Dvárs ...	Section four.
XVIII of 1869 ...	Stamps	In section seventeen, the words and figures "Act No. XXVI of 1867, section six, or under" and "other."
		In section forty-five, the words and figures "or Act No. X of 1862 (*to consolidate and amend the law relating to stamp duties*)."
XX of 1869 ...	Volunteers ...	In section twenty-six, the words and figures "or the said Act No. XXIII of 1857."
V of 1870 ...	Costs of certain petitions	In the preamble, the words *"and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal."*
XXII of 1870 ...	European British subjects	Section five.
XXVI of 1870 ...	Prisons	The third paragraph of section one.
I of 1871 ...	Cattle trespass ...	The third paragraph of section one.
II of 1871 ...	Extension of Prisons' Act to Coorg.	Clause (*b*) of section one.
III of 1871 ...	Paper Currency ...	The third paragraph of section one.
IV of 1871 ...	Coroners	The third paragraph of section one.
V of 1871 ...	Prisoners	The third paragraph of section one.
VI of 1871 ...	Bengal Civil Courts ...	The fourth paragraph of section one.
VII of 1871 ...	Emigration ...	The third paragraph of section one.
X of 1871 ...	Excise	The third paragraph of section one.
		Section eighty-eight.
XII of 1871 ...	Income Tax ...	The whole Act.
XIII of 1871 ...	Customs Duties ...	The third paragraph of section one.
		In section four, the words and figures "affects Act No. XX of 1867, or."
XVI of 1871 ...	Survey of Steamers (Burma).	The third paragraph of section one.
XVII of 1871 ...	Land rates (Oudh) ...	The third paragraph of section one.
XVIII of 1871 ...	Land rates (N. W. P.) ...	The third paragraph of section one.
XX of 1871	Land rates (Panjáb) ...	The third paragraph of section one.
XXI of 1871 ...	Dehrá Dún ...	In the preamble, the words "and to indemnify all officers and other persons who have acted in the said district under the said Regulations and Acts."
XXIV of 1871 ...	Local Public Works loans ...	In section one, the words "and shall come into force upon the passing thereof."
XXV of 1871 ...	Railways ...	The third paragraph of section one.
XXVI of 1871 ...	Land improvement ...	The third paragraph of section one.
XXVII of 1871 ...	Criminal tribes ...	In section one, the words "and it shall come into force on the passing thereof."
XXXII of 1871 ...	Civil Courts (Oudh) ...	Paragraphs three and four of section one.
III of 1872 ...	Marriage in certain cases	In section one, the last nine words.
VII of 1872 ...	Burma Courts ...	The last paragraph of section one.
		Sections three and four.
VIII of 1872 ...	Income Tax ...	The whole Act.
X of 1872 ...	Criminal Procedure ...	The third paragraph of section one.
XI of 1872 ...	Foreign Jurisdiction ...	The last paragraph of section one.
XIII of 1872 ...	Patterns and Designs ...	The last nine words of section one.
XV of 1872 ...	Christian Marriage ...	The third paragraph of section one.
XVIII of 1872 ..	Amending Evidence Act	The second paragraph of section one.
XXI of 1872 ...	Native Military Lunatics	The third paragraph of section one.
XXVII of 1872 ...	Postponing Criminal Procedure Code in Sindh.	The whole Act.
I of 1873 ...	Amending Burma Courts' Act.	The third paragraph of section one.
II of 1873 ...	Burma Ferries ...	The third paragraph of section one.
IV of 1873 ...	Panjáb Municipalities ...	The third paragraph of section one.
V of 1873 ...	Government Savings Banks.	The third paragraph of section one.
VI of 1873 ...	Transhipment ...	The third paragraph of section one.
VIII of 1873 ...	Canals and Drainage ...	The third paragraph of section one.

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—(*concluded*).

Number and year.	Subject.	Extent of repeal.
IX of 1873 ...	Panjáb Appeals ...	The third paragraph of section one.
XI of 1873 ...	Central Provinces Municipalities.	The third paragraph of section one.
XII of 1873 ...	Repealing Act, 1873 ...	The whole Act.
XIII of 1873 ...	Burma Timber ...	Section five.
XIV of 1873 ...	Lunatic Soldiers' property	The third paragraph of section one.
XV of 1873 ...	Municipalities (N. W. P. and Oudh).	The third paragraph of section one.
XVI of 1873 ...	Village Police (N. W. P.)	Section two.
V of 1874 ...	Kullu appeals ...	The preamble and section two.
VI of 1874 ...	Privy Council Appeals...	Section two and the schedule

PART II.—ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

III of 1865 ...	Offences against special and local laws ...	The whole.
I of 1867 ...	Shortening language of Acts ...	Sections six and seven.
III of 1867 ...	Claims against Azím Jah	The whole.
VIII of 1867 ...	Police ...	In section eighty-one, the words and figures "And sections 2 and 4 of Act XXII of 1837 and."
I of 1869 ...	Nilgiri Hills Commissioner	The whole.

PART III.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

VII of 1867 ...	District Police ...	Section twelve.
I of 1873 ...	Bombay Port Trust ...	Section one, and Schedule A.
III of 1873 ...	Fees levied under Bombay Act IX of 1863.	The whole.

PART IV.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

VII of 1862 ...	Resumption of Revenue	Sections three and four.
VIII of 1868 ...	Partial repeal of Act XXI of 1857.	The whole Act.
II of 1872 ...	Jute Warehouses ...	The last forty-three words of section one.

PART V.—MADRAS REGULATIONS.

III of 1802 ...	Procedure in Zila Courts	Section twenty-one.
IX of 1816 ...	Zila Magistrates ...	So much as has not been repealed.
II of 1819 ...	State Prisoners ...	Section four.
VII of 1822 ...	Rescinding Regulations I of 1809, and V of 1811.	In section three, the words "of the ministerial officers of the Courts of Judicature."
VII of 1832 ...	Military Bázárs ...	The whole.

PART VI.—BENGAL REGULATIONS.

II of 1793 ...	A Regulation for abolishing the Courts of Maal Adawlut, &c.	In section four, the words and figures "published in the manner directed in Regulation XLI. 1793."
		In section eight, clauses *eleventh* and *twelfth*.
		In section nine, the first three words.
		In section ten, the words "or dewans."
		In section fourteen, the words "and the dewan."
		In sections fifteen and eighteen, the words "or dewan."
		In section sixteen, the words "dewan or other."
		Sections twenty-one, twenty-two, twenty-seven, thirty, thirty-one, thirty-two, forty-six and forty-seven.
		In section twenty-four, the words and figures "by a Regulation published in the manner directed in Regulation XLI. 1793, or."
		In section twenty-five, the words "and the species of rupee in which each payment may be made."
		In section twenty- six, the last sentence.

PART VI.—BENGAL REGULATIONS—(*continued*).

Number and year.	Subject.	Extent of repeal.
IV of 1793 ...	A Regulation for receiving, trying, and deciding suits, &c.	So much as has not been repealed.
VIII of 1793 ...	A Regulation for re-enacting with modifications, &c.	Sections one, two, three, five to twelve (both inclusive), forty-two, forty-four, forty-five, forty-six, forty-seven, sixty-one and sixty-three.
		In section seventeen, the second sentence.
		In section eighteen, the second sentence.
		Section twenty-one, from and including the words "in the mode" to the end of the section.
		In section thirty-five, the second sentence.
		Sections sixty-eight to one hundred and one, both inclusive.
X of 1793 ...	Decennial settlement ...	So much as has not been repealed.
XI of 1793 ...	Inheritance ...	Section two, down to and including the word "Higeree."
		In section three, the words "subsequent to the period specified in section II."
		Section four, down to and including the words "and that."
		Section five, except the first ten words, and in section six, the figure and words "VI. Nor to."
XIV of 1793 ...	Recovery of arrears of revenue.	So much as has not been repealed.
XIX of 1793 ...	Non-bádsháhí lákhiráj grants.	Section eighteen.
		In section two, clause *Second*, the words and figures "and proceeded in it, as required by section XIV. Regulation III. 1793."
		In section thirty-five, the words "and also to the Provincial Court of Appeal of the Division" and "and to the Provincial Court of Appeal of the Division," and "Provincial Court of Appeal or."
		In section forty-two, the second and third sentences.
		In section forty-three, the first four words.
XXXVII of 1793 ...	Bádsháhí lákhiráj grants	In section ten, the words "to the Provincial Court of Appeal, or from the decision of the Provincial Court," and the words "in the event of their ordering the cause to be appealed to the Provincial Court and of its being given against them therein;" and the words "in both cases."
		Sections thirteen, twenty-five and thirty-four.
		In section seventeen, the words "every five years."
		In section twenty-eight, the words "of the five years."
		In section thirty, the words "and also to the Provincial Court of Appeal of the division," "and to the Provincial Court of Appeal of the division" and "Provincial Court of appeal or."
		In section thirty-seven, the last two sentences.
		In section thirty-nine, the words and figures "which is to be formed in each of the Zillahs in Bengal, Behar and Orissa, at the commencement of the Bengal, Fussily and Willaity year 1207, and at the commencement of every succeeding five years," and the word "five."
XXXVIII of 1793...	Lending to zamíndárs ...	In section two, the words "and City" and the words "the Judges of the Provincial Courts of Appeal and the Courts of Circuit, and the registers to their respective Courts."
XLVIII of 1793 ...	A Regulation for forming a quinquennial register, &c.	In section two, clause *First*, the words "every five years."
		In sections ten, eleven, thirteen, sixteen, seventeen, nineteen, twenty-one, twenty-three, twenty-five, twenty-eight, twenty-nine and thirty, the word "quinquennial," wherever it occurs.
		In section ten, the words 'every' and 'five.'
		In section sixteen, the word "five."

PART VI.—BENGAL REGULATIONS—*(continued)*.

Number and year.	Subject.	Extent of repeal.
		In section eighteen, the words "and also to the Provincial Court of Appeal of the division," "and to the Provincial Court of Appeal of the division in which it may be included," and "Provincial Court of Appeal or."
		In section nineteen, the words "at the end of every five years."
		Section twenty-two.
		In section twenty-four, clause *Second*. In the same section, clause *Fifth*, the words and figures "Regulation XXV. 1793, that Regulation directing that the division and union of all estates are to be made under." In the same section, clause *Seventh*.
		In section twenty-six, the last two sentences.
		Section twenty-seven.
		In section twenty-nine, the words and figures "at the commencement of the Bengal, Fussily and Willaity year 1207, and at the commencement of every succeeding five years."
L of 1793 ...	A Regulation for empowering the Court of Wards, &c.	So much as has not been repealed.
III of 1794 ...	A Regulation for exempting proprietors of land, &c.	The whole Regulation, except sections twelve, thirteen, sixteen, seventeen, eighteen, nineteen and twenty.
		In section thirteen, the words and figures "by section III. Regulation XIV. 1793."
VIII of 1795 ...	Extending Regulation IV of 1793.	So much as has not been repealed.
XXVII of 1795 ...	Permanent settlement, Benares.	In section ten, the words and figures "and printed and published in the manner prescribed in Regulation XLI. 1793," and "as referred to in Regulation II. 1795."
LV of 1795 ...	Court of Wards. Security from guardians.	So much as has not been repealed.
I of 1799 ...	Frontier of Silhet ...	In section two, the words "natives of the Company's provinces; and to Armenians, Greeks and all other," and the words "not being British-born subjects; as well as to such British-born subjects as may be authorized by a license from Government to reside in the district of Sylhet."
		In section six, from and including the words "in the mode" down to the end of the section.
		Section seven.
V of 1799 ...	Wills and Intestacy ...	In section one, the words and figures "prescribed in section XV of Regulation IV. 1793, viz."
		In section two, the words and figures "Regulation X. 1793, or" and the word "other" before "Regulation;" and from and including the words "under the general rule" to the end of the section.
		In sections one, two, three and seven, the words "and City" and "or City," wherever they occur.
		In section eight, the words and figures "described in Regulation X. 1793" and "by the above or any other Regulation," and the word "the" before "disqualified."
VII of 1799 ...	Realization of rent and revenue.	So much as has not been repealed.
II of 1800 ...	Stone quarries at Chunar	In section two, the words "native inhabitants of the Company's provinces and all other," and from and including the words "not being," down to and including the figures "1793."
		In section eight, the words and figures "which are exempted from the customs by section X. Regulation III. 1795."
		Section nine.
		In section ten, the words "besides an oath, or solemn declaration, for the faithful execution of their respective duties."

PART VI.—BENGAL REGULATIONS—*(continued)*.

Number and year.	Subject.	Extent of repeal.
V of 1800 ...	Extending to Benares Regulation VII of 1799.	The whole Regulation.
VIII of 1800 ...	Pargana Register ...	In section four, the words "at the commencement of every fifth succeeding year."
		In sections five, six, seven, nine, ten, fourteen, sixteen, seventeen, nineteen, the word "quinquennial" wherever it occurs.
		In section five, the words "the interval of five years."
		In section six, the words "in the Persian language;" and the words and figures "appointed under Regulation XXI. 1793 (extended to Benares by Regulation XXXVII. 1795)," and the words ("or by the city judge in the province of Benares)."
		In section eleven, the words "directed to be prepared at the expiration of every five years."
		In section seventeen, the words and figures "appointed under Regulation XXI. 1793," and from and including the words "Such officers shall" to the end of the section.
		Section twenty-two.
I of 1801 ...	Commissioners of Revenue and Circuit, Board of Revenue, &c.	Sections one, two, four, nine and fifteen.
		In section eight, the words and figures "or to alter the provisions made for the correction of error or collusion in such allotments, by section twenty-five, Regulation XXV. 1793, in cases of private divisions of estates; and by clause *Second* of section twenty-nine, Regulation VII. 1799, in cases of public sales."
		In section ten, the words and figures "or of suspicion that the purchase has been made in opposition to the Rules contained in clauses 3 and 4 of section XXIX, Regulation VII. 1799," and "for the orders of the Governor General in Council, as directed in clause *Fourth* of section XXIX. Regulation VII. 1799."
VII of 1801 ...	Duty on Coasting Vessels, &c.	The whole Regulation.
XIII of 1803 ...	Records of Courts, Ceded Provinces.	The whole Regulation.
XLIII of 1803 ...	Fees on institution of suits.	So much as has not been repealed.
XLIX of 1803 ...	Assistant Judges ...	So much as has not been repealed.
V of 1804 ...	Appointment and removal of Native Officers.	So much as has not been repealed.
X of 1804 ...	Punishment of State offences by Courts Martial, &c.	In section four, the words and figures "or before any special court appointed for the trial of such offences, under Regulation IV. 1799, and Regulation XX. 1803."
X of 1805 ...	Sadr Adálat ...	So much as has not been repealed.
XII of 1805 ...	Settlement and Collection of public revenue, Cuttack, &c.	Sections twelve, thirteen, fourteen, fifteen and sixteen.
XIII of 1805 ...	Cuttack Police ...	In section two, the words and figures "formed into one zillah, instead of two zillahs, as prescribed in Regulation IV. 1804, and shall be."
		Section twelve.
VI of 1806 ...	Embankments ...	So much as has not been repealed.
VII of 1806 ...	A Regulation for re-establishing a Court of Civil Judicature in the vicinity of Calcutta, &c.	The whole Regulation.
VIII of 1806 ...	Complaints against Collectors.	So much as has not been repealed.
XI of 1806 ...	Supplies for Troops, &c.	Sections nine, eleven and twelve.
VIII of 1809 ...	Appointment and removal of ministerial officers.	So much as has not been repealed.
X of 1810 ...	A Regulation for abolishing the duties, &c.	The whole Regulation.

PART VI.—BENGAL REGULATIONS—(*continued*).

Number and year.	Subject.	Extent of repeal.
XX of 1810 ...	Camp-followers, bázárs...	Section five, and in section three, the words, "or the second article of the fifteenth section of the Hon'ble Company's."
IX of 1811 ...	Partition ...	The whole Regulation.
XI of 1811 ...	Revision of jama on divided lands.	Section two.
III of 1812 ...	Criminal Procedure, &c.	So much as has not been repealed.
V of 1812 ...	Collection of Land Revenue.	Section one. Section two, down to and including the words "rescinded; and" Section three, down to and including the words "rescinded: and" Section four, down to and including the words "declared that," and the words and figures "the case to be tried as a summary suit under Regulation VII. 1799." Section twenty-six, from and including the words "provided, however" to the end. Section twenty-seven, from and including the words "and should those authorities" to the end.
XI of 1812 ...	Foreign Immigrants ...	In section five, the words "before the Court of Circuit," in each of the places where they occur, and the words "of circuit."
XV of 1812 ...	Extending parts of Regulation I. 1811.	So much as has not been repealed.
XVIII of 1812 ...	Explaining section 2 of Regulation V. 1812.	Section three, clause *First*.
XXII of 1812 ...	Bandelkhand ...	In section four, the two provisoes.
XIX of 1814 ...	Partition of Revenue-paying estates.	Section two; and in section thirteen, clause *First*. The words "or Board of Commissioners," and "and Board of Commissioners" wherever they occur. In section seventeen, clause *Third*, the second sentence. In section twenty-one, the words "as the case may be" and "respectively."
XXV of 1814 ...	Sadr Díwání Adálat and Provincial Courts.	So much as has not been repealed.
XXVII of 1814 ...	Native Pleaders ...	So much as has not been repealed.
V of 1816 ...	Kánungo, Cuttack ...	In section one, from and including the words "to be in force" to the end of the section. In section three, the words and figures "under the provisions of Regulation V. 1804, and Regulation VIII. 1809."
IX of 1816 ...	The Sunderbuns ...	Section one, from and including the words "to be in force" to the end of the section.
XI of 1816 ...	Succession to certain estates in Cuttack.	Sections four, six, ten and twenty; and in section eighteen, the figures and word 'IV,' 'VI,' 'and X.'
XVII of 1816 ...	Police	So much as has not been repealed.
V of 1817 ...	Hidden Treasure ...	In section five, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, or" In section six, the words and figures "within the period limited by the notification directed in section IV of this Regulation," *** "and deposited it in the Zillah or City Court, as required by section III." In section seven, the words "and deposited." In section eight, the words and figure "in conformity with section IV and make the deposit thereby required;" and "or the Board of Commissioners in the Western Provinces or the Commissioner in Behar and Benares." In section nine, the words "or City," and the last fourteen words. Section ten.
XII of 1817 ...	Patwáris	In the preamble, the words "from the date of their promulgation." Sections two, four, five and six. In section nine, the words and figures "to furnish the Collector with the statement required in section IV, and;" and "sections V and VII of."

PART VI.—BENGAL REGULATIONS—(*continued*)

Number and year.	Subject.	Extent of repeal.
XX of 1817 ...	Police	In section eleven, the words and figures "to furnish the statement required by section IV, or," *** "sections V and VII of," *** "in those sections," and "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be." In section twenty-six, the words "before a Court of Circuit," *** "in the Regulations," and "under the provisions of the Regulations." In section twenty-seven, the words "before a Court of Circuit" and "in the Regulations." In section thirty-one, the words "the Board of Commissioners or the Commissioner in Behar and Benares, according as he may be subject to one or other of those authorities," *** "and Commissioner aforesaid." In section thirty-two, the words "Board of Commissioners and Commissioner in Behar and Benares, as the case may be." In section thirty-three, the words "or commissioner." In sections thirty-three and thirty-five, the words "the Board of Commissioners or the Commissioner in Behar or Benares, as the case may be." Sections one to eight (both inclusive), ten, eleven, thirty-one, thirty-three and thirty-four. In section twenty-eight, clause *Second*, the words and figures "as directed in section XXIV. Regulation X. 1813." In section twenty-nine, clause *First*, the words "weaver," "engaged in the provision of the Company's investment, or," "commercial," "commercial resident." In clause *Second*, the word "commercial." In clause *Third*, the words "weavers," *** "engaged in the provision of the Company's investment, or," *** "commercial," *** "commercial resident." In clause *Fourth*, the words "weaver," "engaged in the provision of the Company's investment, or," *** "commercial" and "commercial resident." In clause *Fifth*, the words and figures "as required by the *Second* clause of section XI. Regulation VI. 1801," and the words "commercial resident or." In clause *Ninth*, the words and figures "as required by the provisions of Regulation XIII. 1816, which are herein recapitulated for their information and guidance." Clauses *Tenth* and *Eleventh*. In section thirty, clauses *Third* and *Sixth*; and in clause *Second*, the words and figures "in pursuance of section IX. Regulation XI. 1806."
III of 1818 ...	State prisoners ...	In section four, the words "of circuit" wherever they occur. Section eight. In section nine, the words "to the Provincial Court of Appeal and Circuit, and."
II of 1819 ...	Resumption of Revenue	Sections two, twenty-five and twenty-seven. In section six, the words "in the Persian language and character." In section nineteen, clause *First*, from and including the words "conformably with" to the end of the clause. In sections twenty, twenty-one and thirty, the word "Persian." Section twenty-four, clause *Second*. Section twenty-six, clause *First*, except the words "In cases instituted in the Zillah Court * * * an appeal shall be received by the Court of Sudder Dewanny Adawlut." Clause *Second*, down to and including the words "appeals but," and the words "or Provincial Court" and the word "special" wherever it occurs.

PART VI.—BENGAL REGULATIONS—*(continued.)*

Number and year.	Subject.	Extent of repeal.
		In section thirty, clauses *Fifth* and *Seventh*, the words "or City."
VI of 1819 ...	Ferries	In section two, clause *First*, and the first six words of clause *Second*. In section three, clause *Second*, the words and figures "under the provisions of Regulation XIX. 1816." In section six, clause *Second*, the words "through the channel of the Superintendents of Police."
VIII of 1819 ...	Patní Taluqs ...	Section fourteen. In section two, the words and figures "under the rule of section V. Regulation XLIV. 1793." In section three, clause *Third*, the words and figures "under the rule contained in the seventh clause of section XV. Regulation VII. 1799, for leases conveying a limited interest in the land." In section eight, clause *Second*, the words "to the Civil Court of the District, and a similar one." In section nine, the words "by the register or acting register of the Civil Court, or, in his absence, by the person in charge of the office of Judge, or of Magistrate of the District within which the lands may be situated." In section fifteen, clause *Second*, the word "summary," and the words and figures "brought under the provisions of section XV. Regulation VII. 1799, or in any application to stay process by distraint, under the rules of Regulation V. 1812."
II of 1820 ...	Offences in Chandernagore.	The whole Regulation.
IV of 1821 ...	Collectors' powers ...	In section six, clause *First*, the words "and City," and the whole of clause *Second*. In section seven, the words "or City" wherever they occur. In section eight, clause *Third*, the words "or the Boards of Commissioners," * * * "or Board of Commissioners."
III of 1822 ...	Board of Revenue ...	Sections two and three, and clauses *Second* and *Third* of section four.
VII of 1822 ...	Settlement—Ceded Provinces and Cuttack.	In section two, the first five clauses, and the first fourteen words of clause *Sixth*. In section five, clause *Second*, section six, clause *First*, section seven, clause *First*, section nine, clause *Second*, section twelve, clause *Second*, and section seventeen, the words "of Commissioners." In section fifteen, the words "or Provincial," and "according to the value of the interest at stake." In section sixteen, the words "or Provincial." In section twenty, clause *Second*, the words "or City." In section twenty-three, clause *Third*, the words "or City." In section twenty-nine, clause *Fifth*, the word "Persian." In section thirty, the words "or City," and "or Provincial Court of the Division," and "under the general Regulations for the administration of civil justice." In section thirty-one, clause *Second*, the words "any register, sudder ameen or" and "registers, sudder ameens and." In section thirty-three, clause *First*, the words and figures "shall be guided by the rules contained in Regulation XVI. 1793, and the other corresponding enactments, and in Regulation VI. 1813, in so far as the same may be applicable, and."
VI of 1823 ...	Indigo suits ...	In section three, clause *First*, the words "or city" and "or to a register exercising the powers of Joint Magistrate."

PART VI.—BENGAL REGULATIONS—*(concluded.)*

Number and year.	Subject.	Extent of Repeal.
		In section six, the word "summary" (wherever it occurs), "nevertheless" and "by a summary award;" and the passage beginning with "they shall be either" and ending with "under this Regulation."
VII of 1823 ...	Loans to Covenanted Civil Servants.	Section two, clause *Third*. In section three, the words "and city." Section five. In section eight, the words "provincial," * * * "by the Provincial Courts" and "of the Regulations."
VII of 1825 ...	Sales of land in execution of decrees.	So much as has not been repealed.
XIV of 1825 ...	Revenue Authorities ...	Section six, from and including the words "to the Provincial Court" down to and including "pounds sterling." In the same section, the words "or Provincial."
XV of 1825 ...	Customs duties ...	So much as has not been repealed.
XX of 1825 ...	Courts Martial ...	In section four, the words "or City," and the words and figures "under the provisions of Regulation L. 1803."
III of 1827 ...	Ministerial Native Officers	The whole Regulation except section five.
V of 1827 ...	Management of estates under attachment.	In section two, the words and figures "and sections XXVI and XXVII. Regulation V. 1812, and clause *Third*, section V. Regulation VI. 1813." In sections two and three, the words "and City." In section four, the words "or City."
III of 1828 ...	Special Commissioners for hearing Revenue Appeals.	In section two, clause *Third*, the words "through the Court of Sudder Dewanny Adawlut," and "Provincial and." In section four, clause *First*, the words "in a Persian roobukaree." Section six, clauses *Sixth* and *Seventh*. In section ten, clause *Fourth*, the words "the Provincial Courts, or," * * * "or the Provincial," * * * "respectively." In section ten, clause *Fifth*, from and including the words "and the Civil Courts" to the end of the section. Section eleven, clause *First*.
IV of 1828 ...	Powers of Collectors ...	In section two, clause *Fourth*, before the word "magistrates," the words "the powers vested in;" and the words and figures "by Regulation XV. 1824, shall be suspended in regard to all mehauls of which the settlement may be so in progress; and the said officers".
I of 1829 ...	Commissioners of Revenue.	Sections three and five.
IV of 1829 ...	Modifying Regulation III. 1828.	In section two, clause *First*, the words "or City," and "or of a Provincial Court".
XV of 1829 ...	Valuing goods imported by sea.	So much as has not been repealed.
III of 1830 ...	Amending Regulation XV of 1829.	So much as has not been repealed.
VI of 1831 ...	Sadr Díwání Adálat (N. W. P.)	Sections one, two, three, four, five and eight.
XI of 1831 ...	Police-powers of Tahsíldárs.	Section eight.
VI of 1832 ...	Native Assessors ...	So much as has not been repealed.
VI of 1833 ...	Customs duties ...	So much as has not been repealed.
IX of 1833 ...	Revenue Settlements ...	Section four.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 23, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and is hereby promulgated for general information:—

ACT No. I OF 1875.

THE DISTRESS ACT, 1875.

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THE FIRST SCHEDULE.

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THE SECOND SCHEDULE.

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An Act to regulate Distresses for Rents in the Presidency Towns.

Preamble.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras and Bombay;

It is hereby enacted as follows:—

I. Preliminary.

Short title. Commencement.

1. This Act may be called "The Distress Act, 1875," and it shall come into force at once.

It extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay;

Local extent.

But nothing herein contained applies—

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section six.

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

Enactments repealed.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII of 1847 made in Act XXIII of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta, Madras or Bombay, as the case may be.

"Court of Small Causes" defined.

II. Bailiffs and Appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Appointment of bailiffs and appraisers.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

Security to be given by appointees.

III. Issue of Distress-Warrants.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

Application for distress-warrant.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the first schedule hereto annexed.

7. The Judge may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form contained in the same schedule (marked B) addressed to any one of such bailiffs.

Issue of distress-warrant.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

Time for distress.

9. The bailiff directed to make the distress may force open any stable, outhouse, or other building, and may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

What places bailiff may force open.

Provided that he shall not enter or break open the door of any room appropriated for the zanána or residence of women, which by the usage of the country, is considered private.

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

Property which may be seized.

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use; where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

11. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Impounding distress.

12. On seizing any property under section ten, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Inventory.

Notice of intended appraisement and sale.

The bailiff shall, as soon as may be, file in the Court of Small Causes copies of the said inventory and notice.

Copies of inventory and notice to be filed.

V. Of Applications to discharge Distresses, and of Compensation.

13. The debtor, or any other person alleging himself to be the owner of any property seized under this Act, may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

Application to discharge or suspend warrant.

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

14. If any claim be made to, or in respect of, any property seized under this Act, or in respect of the proceeds or value thereof, by any person not being the debtor, the Chief Clerk of the Court of Small Causes, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

Claim to goods distrained made by a stranger.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Courts of Small Causes in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

15. In any case under section thirteen or section fourteen the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

Power to award compensation to debtor or claimant.

and may for that purpose make any enquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit in respect of injury caused by the distress.

16. In any application under section thirteen or any claim under section fourteen, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court, to transfer the case to itself, and the High Court on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Court of Small Causes, and may make such order therein as the High Court thinks fit.

Power to transfer to High Court cases involving more than Rs. 1,000.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of or giving security for costs or otherwise as it thinks fit.

The procedure in cases transferred under this section, shall conform as far as may be to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit in respect of injury caused by the distress which gave rise to the case wherein such order was made.

VI. Appraisement and Sale of Distress.

17. In default of any order to the contrary by a Judge of the Court of Small Causes, or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this Act, appraise the property so seized, and give the debtor notice in writing to the effect of the Form in the first schedule hereto annexed (marked D).

Appraisement.

Notice of sale.

The bailiffs shall file in the same Court a copy of every notice given under this section.

18. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the Court of Small Causes, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Sale.

Application of proceeds.

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VII. Miscellaneous.

19. No costs of any distress under this Act shall be taken or demanded except those mentioned in the part of the first schedule hereto annexed (marked E).

Costs of distresses.

The Judges of the Court of Small Causes may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs as appears to the said Judges expedient.

20. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as costs upon distresses made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

Account of costs and proceeds.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

21. No distress shall be levied for arrears of rent, except under the provisions of this Act;

Bar of distresses except under this Act.

and any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall, on conviction before a Magistrate of Police, be liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months, in addition to any other liability he may have incurred by his proceedings.

Penalty for making illegal distresses.

THE FIRST SCHEDULE.

A.

[*See section* 6.]

In the Court of Small Causes for

*A. B.*_____(Plaintiff,)

versus

*C. D.*_____(Defendant.)

A. B. of_____, in the town of_____maketh oath [*or* affirms] and saith that *C. D.*_____, of _____, is justly indebted to_____ in the sum of Rs._____for arrears of rent of the house and premises No._____, situated at_____, in the town of_____, due for_____ month, to wit from_____to_____, at the rate of Rs._____per mensem.

Sworn [*or* Affirmed] before me the_____day of_____187 .

Judge.

B.

[*See section* 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No._____in the Town of_____, for the sum of_____Rs., and the costs of the distress according to the provisions of The Distress Act, 1875. Dated day of

(Signed and sealed)

To *E. F., Bailiff and Appraiser.*

C.

[*See section* 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of_____Rs., being the amount of_____months' rent due to *A. B.* at_____last, and that unless you pay the amount thereof, together with the costs of this distress within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of The Distress Act, 1875. Dated the day of 18 .

(Signed) *E. F.,*

Bailiff and Appraiser.

To *C. D.*

D.

[*See section* 17.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the_____day of _____, under the provisions of The Distress Act, 1875, of which a notice and inventory were duly served upon you [*or* upon_____on your behalf *as the case may be*] under date the_____, and that the said property will be sold on the_____ [*two clear days at least after the date of the notice*] at_____pursuant to the provisions of the said Act. Dated this day of 187 .

(Signed) *E. F.*

G. H.

Bailiffs and Appraisers.

To *C. D.*

E.

[*See section* 19.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.	Affidavit and warrant to distrain.	Order to sell.	Commission.	Total.
Rs. Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1 and under 5	0 4 0	0 8 0	0 8 0	1 4 0
5 „ 10	0 8 0	0 8 0	1 0 0	2 0 0
10 „ 15	0 8 0	0 8 0	1 8 0	2 8 0
15 „ 20	0 8 0	1 0 0	2 0 0	3 8 0
20 „ 25	0 12 0	1 0 0	2 8 0	4 4 0
25 „ 30	1 0 0	1 0 0	3 0 0	5 0 0
30 „ 35	1 0 0	1 0 0	3 8 0	5 8 0
35 „ 40	1 0 0	1 8 0	4 0 0	6 8 0
40 „ 45	1 4 0	2 0 0	4 8 0	7 12 0
45 „ 50	1 8 0	2 0 0	5 0 0	8 8 0
50 „ 60	2 0 0	2 0 0	6 0 0	10 0 0
60 „ 80	2 8 0	2 8 0	6 8 0	11 8 0
80 to 100	3 0 0	3 0 0	7 0 0	13 0 0
Upwards of Rs. 100	3 0 0	3 0 0	7 per centum	

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons were kept in charge of property distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

I.—STATUTES.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs ...	Ditto.
Les Estatuz del Eschekere between c. 13 and c. 14 of 17 Edw. 2.	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—ACTS.

Number and Year.	Subject.	Extent of repeal.
VII of 1847 ...	Distresses for small rents in Calcutta ...	The whole.
IX of 1850 ...	Extension of Act VII of 1847 ...	Section eighty-nine.
XXVI of 1864 ...	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and is hereby promulgated for general information:—

ACT NO. II OF 1875.

An Act to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

Preamble.

WHEREAS it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality, and to extend the local limits of the authority of properly reported decisions of the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, cap. 104:

And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the said High Courts, to be called the Indian Authorized Law Reports; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Law Reports Act, 1875:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

Limits of authority of authorized reports extended.

2. Every judgment delivered on or after such day by any of the said High Courts (whether by a Judge sitting alone, or by a Division Court, or by a Full Bench) and reported in the said Indian Authorized Law Reports, shall have the same authority in all subordinate Courts beyond the limits of the appellate jurisdiction of such High Court as independently of this Act it would have within such limits.

Authority given only to authorized reports after passing of Act.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority of judicial decisions.

4. Save as provided by section two, nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 30, 1875

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and is hereby promulgated for general information:—

ACT NO. I OF 1875.

THE DISTRESS ACT, 1875.

CONTENTS.

PREAMBLE.

I. Preliminary.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
2. Enactments repealed.
3. Interpretation-clause.

II. Bailiffs and Appraisers.

4. Appointment of bailiffs and appraisers.
5. Security to be given by appointees.

III. Issue of Distress-Warrants.

6. Application for distress-warrant.
7. Issue of distress-warrant.

IV. Of the making of Distresses.

8. Time for distress.
9. What places bailiff may force open.
10. Property which may be seized.
11. Impounding distress.
12. Inventory.
    Notice of intended appraisement and sale.
    Copies of inventory and notice to be filed.

V. Of Applications to discharge Distresses, and of Compensation.

13. Application to discharge or suspend warrant.
14. Claim to goods distrained made by a stranger.
15. Power to award compensation to debtor or claimant.
16. Power to transfer to High Court cases involving more than Rs. 1,000.

VI. Appraisement and Sale of Distress.

17. Appraisement.
    Notice of sale.
18. Sale.
    Application of proceeds.

VII. Miscellaneous.

19. Costs of distresses.
20. Account of costs and proceeds.
21. Bar of distresses except under this Act.
    Penalty for making illegal distresses.

THE FIRST SCHEDULE.

Forms.

THE SECOND SCHEDULE.

Enactments repealed.

An Act to regulate Distresses for Rents in the Presidency Towns.

Preamble.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras and Bombay;
It is hereby enacted as follows:—

I. Preliminary.

Short title.
Commencement.

1. This Act may be called "The Distress Act, 1875," and it shall come into force at once.

It extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay;

Local extent.

But nothing herein contained applies—

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section six.

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

Enactments repealed.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII of 1847 made in Act XXIII of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta, Madras or Bombay, as the case may be.

"Court of Small Causes" defined.

II. Bailiffs and Appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Appointment of bailiffs and appraisers.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

Security to be given by appointees.

III. Issue of Distress-Warrants.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

Application for distress-warrant.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the first schedule hereto annexed.

7. The Judge may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form contained in the same schedule (marked B) addressed to any one of such bailiffs.

Issue of distress-warrant.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

Time for distress.

9. The bailiff directed to make the distress may force open any stable, outhouse, or other building, and may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

What places bailiff may force open.

Provided that he shall not enter or break open the door of any room appropriated for the zanánáor residence of women, which by the usage of the country, is considered private.

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

Property which may be seized.

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use; where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

11. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Impounding distress.

12. On seizing any property under section ten, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Inventory.

Notice of intended appraisement and sale.

The bailiff shall, as soon as may be, file in the Court of Small Causes copies of the said inventory and notice.

Copies of inventory and notice to be filed.

V. Of Applications to discharge Distresses, and of Compensation.

13. The debtor, or any other person alleging himself to be the owner of any property seized under this Act, may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

Application to discharge or suspend warrant.

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

14. If any claim be made to, or in respect of, any property seized under this Act, or in respect of the proceeds or value thereof, by any person not being the debtor, the Chief Clerk of the Court of Small Causes, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

Claim to goods distrained made by a stranger.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Courts of Small Causes in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

15. In any case under section thirteen or section fourteen the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

Power to award compensation to debtor or claimant.

and may for that purpose make any enquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit in respect of injury caused by the distress.

16. In any application under section thirteen or any claim under section fourteen, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court, to transfer the case to itself, and the High Court on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Court of Small Causes, and may make such order therein as the High Court thinks fit.

Power to transfer to High Court cases involving more than Rs. 1,000.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of or giving security for costs or otherwise as it thinks fit.

The procedure in cases transferred under this section, shall conform as far as may be to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit in respect of injury caused by the distress which gave rise to the case wherein such order was made.

VI. Appraisement and Sale of Distress.

17. In default of any order to the contrary by a Judge of the Court of Small Causes, or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this Act, appraise the property so seized, and give the debtor notice in writing to the effect of the Form in the first schedule hereto annexed (marked D).

Appraisement.

Notice of sale.

The bailiffs shall file in the same Court a copy of every notice given under this section.

18. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the Court of Small Causes, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Sale.

Application of proceeds.

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VII. Miscellaneous.

19. No costs of any distress under this Act shall be taken or demanded except those mentioned in the part of the first schedule hereto annexed (marked E).

Costs of distresses.

The Judges of the Court of Small Causes may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs as appears to the said Judges expedient.

20. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as costs upon distresses made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

Account of costs and proceeds.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

21. No distress shall be levied for arrears of rent, except under the provisions of this Act;

Bar of distresses except under this Act.

and any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall, on conviction before a Magistrate of Police, be liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months, in addition to any other liability he may have incurred by his proceedings.

Penalty for making illegal distresses.

THE FIRST SCHEDULE.

A.

[*See section* 6.]

In the Court of Small Causes for

A. B. ..... (Plaintiff,)

versus

C. D. ..... (Defendant.)

A. B. of ....., in the town of ..... maketh oath [*or* affirms] and saith that *C. D.* ....., of ....., is justly indebted to ..... in the sum of Rs. ..... for arrears of rent of the house and premises No. , situated at ....., in the town of ....., due for ..... month, to wit from ..... to ....., at the rate of Rs. ..... per mensem.

Sworn [*or* Affirmed] before me the ..... day of ..... 187 .

Judge.

B.

[*See section* 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No. ..... in the Town of ....., for the sum of ..... Rs., and the costs of the distress according to the provisions of The Distress Act, 1875. Dated day of

(Signed and sealed)

To *E. F., Bailiff and Appraiser.*

C.

[*See section* 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of ..... Rs., being the amount of ..... months' rent due to *A. B.* at ..... last, and that unless you pay the amount thereof, together with the costs of this distress within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of The Distress Act, 1875. Dated the day of 18 .

(Signed) *E. F.*,

Bailiff and Appraiser.

To *C. D.*

D.

[*See section* 17.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the ..... day of ....., under the provisions of The Distress Act, 1875, of which a notice and inventory were duly served upon you [*or* upon ..... on your behalf *as the case may be*] under date the ....., and that the said property will be sold on the ..... [*two clear days at least after the date of the notice*] at ..... pursuant to the provisions of the said Act. Dated this day of 187 .

(Signed) *E. F.*

G. H.

Bailiffs and Appraisers.

To *C. D.*

E.

[*See section* 19.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.	Affidavit and warrant to distrain.	Order to sell.	Commission.	Total.
Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1 and under 5	0 4 0	0 8 0	0 8 0	1 4 0
5 „ 10	0 8 0	0 8 0	1 0 0	2 0 0
10 „ 15	0 8 0	0 8 0	1 8 0	2 8 0
15 „ 20	0 8 0	1 0 0	2 0 0	3 8 0
20 „ 25	0 12 0	1 0 0	2 8 0	4 4 0
25 „ 30	1 0 0	1 0 0	3 0 0	5 0 0
30 „ 35	1 0 0	1 0 0	3 8 0	5 8 0
35 „ 40	1 0 0	1 8 0	4 0 0	6 8 0
40 „ 45	1 4 0	2 0 0	4 8 0	7 12 0
45 „ 50	1 8 0	2 0 0	5 0 0	8 8 0
50 „ 60	2 0 0	2 0 0	6 0 0	10 0 0
60 „ 80	2 8 0	2 8 0	6 8 0	11 8 0
80 to 100	3 0 0	3 0 0	7 0 0	13 0 0
Upwards of Rs. 100	3 0 0	3 0 0	7 per centum	

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons were kept in charge of property distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

I.—STATUTES.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs ...	Ditto.
Les Estatuz del Escheckere between c. 13 and c. 14 of 17 Edw. 2.	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—ACTS.

Number and Year.	Subject.	Extent of repeal.
VII of 1847 ...	Distresses for small rents in Calcutta ...	The whole.
IX of 1850 ...	Extension of Act VII of 1847 ...	Section eighty-nine.
XXVI of 1864 ...	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and is hereby promulgated for general information:—

ACT NO. II OF 1875.

An Act to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

Preamble.

WHEREAS it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality, and to extend the local limits of the authority of properly reported decisions of the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, cap. 104:

And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the said High Courts, to be called the Indian Authorized Law Reports; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Law Reports Act, 1875:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

Limits of authority of authorized reports extended.

2. Every judgment delivered on or after such day by any of the said High Courts (whether by a Judge sitting alone, or by a Division Court, or by a Full Bench) and reported in the said Indian Authorized Law Reports, shall have the same authority in all subordinate Courts beyond the limits of the appellate jurisdiction of such High Court as independently of this Act it would have within such limits.

Authority given only to authorized reports after passing of Act.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority of judicial decisions.

4. Save as provided by section two, nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 6, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and is hereby promulgated for general information:—

ACT NO. I OF 1875.

THE DISTRESS ACT, 1875.

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III. Issue of Distress-Warrants.

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21. Bar of distresses except under this Act.
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An Act to regulate Distresses for Rents in the Presidency Towns.

Preamble.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras and Bombay It is hereby enacted as follows:—

I. Preliminary.

Short title.
Commencement.

1. This Act may be called "The Distress Act, 1875," and it shall come into force at once.

It extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay;

Local extent.

But nothing herein contained applies—

(*a*) to any rent due to Government;

(*b*) to any rent which has been due for more than twelve months before the application mentioned in section six.

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

Enactments repealed.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII of 1847 made in Act XXIII of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta, Madras or Bombay as the case may be.

"Court of Small Causes" defined.

II. Bailiffs and Appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

Appointment of bailiffs and appraisers.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

Security to be given by appointees.

III. Issue of Distress-Warrants.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

Application for distress-warrant.

The application shall be supported by an affidavit or affirmation to the effect of the form (marked A) in the first schedule hereto annexed.

7. The Judge may thereupon issue a warrant under his hand and seal and returnable within six days, to the effect of the form contained in the same schedule (marked B) addressed to any one of such bailiffs.

Issue of distress-warrant.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

Time for distress.

9. The bailiff directed to make the distress may force open any stable, outhouse, or other building, and may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

What places bailiff may force open.

Provided that he shall not enter or break open the door of any room appropriated for the zanána or residence of women, which by the usage of the country, is considered private.

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found in or upon the house or premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

Property which may be seized.

Provided that the bailiff shall not seize—

(*a*) things in actual use; or

(*b*) tools and implements not in use; where there is other moveable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law.

11. The bailiff may impound or otherwise secure the property so seized in or on the house or premises chargeable with the rent.

Impounding distress.

12. On seizing any property under section ten, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf in or upon the said house or premises.

Inventory.

Notice of intended appraisement and sale.

The bailiff shall, as soon as may be, file in the Court of Small Causes copies of the said inventory and notice.

Copies of inventory and notice to be filed.

V. Of Applications to discharge Distresses, and of Compensation.

13. The debtor, or any other person alleging himself to be the owner of any property seized under this Act, may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, or to release a distrained article, and such Judge may discharge or suspend such warrant or release such article accordingly, upon such terms as he thinks just,

Application to discharge or suspend warrant.

and any of the Judges of the said Court may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application the costs attending it and attending the issue and execution of the

warrant shall be in the discretion of the Judge, and shall be paid as he directs.

14. If any claim be made to, or in respect of, any property seized under this Act, or in respect of the proceeds or value thereof, by any person not being the debtor, the Chief Clerk of the Court of Small Causes, upon the application of the bailiff who seized the property, may issue a summons calling before the Court the claimant and the person who obtained the warrant.

Claim to goods distrained made by a stranger.

And thereupon any suit which may have been brought in the High Court in respect of such claim shall be stayed, and any Judge of the High Court, on proof of the issue of such summons and that the property was so distrained, may order the plaintiff to pay the costs of all proceedings in such suit after the issue of such summons.

And a Judge of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof and of the costs of the proceedings as he thinks fit;

and such order shall be enforced as if it were an order made in a suit brought in such Court.

The procedure in Courts of Small Causes in cases under this section shall conform, as far as may be, to the procedure in an ordinary suit in such Courts.

15. In any case under section thirteen or section fourteen the Judge by whom the case is heard may award such compensation by way of damages to the applicant or claimant (as the case may be) as the Judge thinks fit,

Power to award compensation to debtor or claimant.

and may for that purpose make any enquiry he thinks necessary;

and the order of the Judge awarding or refusing such compensation shall bar any suit in respect of injury caused by the distress.

16. In any application under section thirteen or any claim under section fourteen, if the value of the subject-matter in dispute exceeds one thousand rupees, the applicant or claimant may apply to the High Court, to transfer the case to itself, and the High Court on being satisfied that it is expedient that the case should be disposed of by itself, may direct the case to be transferred accordingly, and may thereupon alter or set aside any order passed in the case by a Judge of the Court of Small Causes, and may make such order therein as the High Court thinks fit.

Power to transfer to High Court cases involving more than Rs. 1,000.

Every application under this section shall be made within seven days from the date of the seizure of the subject-matter in dispute.

In granting applications under this section, the High Court may impose such terms as to payment of or giving security for costs or otherwise as it thinks fit.

The procedure in cases transferred under this section, shall conform as far as may be to the procedure in suits before the High Court in the exercise of its ordinary original civil jurisdiction; and orders made under this section may be executed as if they were made in the exercise of such jurisdiction; and every such order awarding or refusing compensation shall bar any suit in respect of injury caused by the distress which gave rise to the case wherein such order was made.

VI. Appraisement and Sale of Distress.

17. In default of any order to the contrary by a Judge of the Court of Small Causes, or by the High Court, any two of the said bailiffs may, at the expiration of five days from a seizure of property under this Act, appraise the property so seized, and give the debtor notice in writing to the effect of the Form in the first schedule hereto annexed (marked D).

Appraisement.

Notice of sale.

The bailiffs shall file in the same Court a copy of every notice given under this section.

18. In default of any such order to the contrary, the distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the Court of Small Causes, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt; and the surplus, if any, shall be returned to the debtor:

Sale.

Application of proceeds.

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VII. Miscellaneous.

19. No costs of any distress under this Act shall be taken or demanded except those mentioned in the part of the first schedule hereto annexed (marked E).

Costs of distresses.

The Judges of the Court of Small Causes may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs as appears to the said Judges expedient.

20. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as costs upon distresses made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

Account of costs and proceeds.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

21. No distress shall be levied for arrears of rent, except under the provisions of this Act;

Bar of distresses except under this Act.

and any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall, on conviction before a Magistrate of Police, be liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months, in addition to any other liability he may have incurred by his proceedings.

Penalty for making illegal distresses.

THE FIRST SCHEDULE.

A.

[*See section* 6.]

In the Court of Small Causes for

*A. B.*_____(Plaintiff,)

versus

*C. D.*_____(Defendant.)

A. B. of_____, in the town of_____maketh oath [*or* affirms] and saith that *C. D.* _____, of _____, is justly indebted to_____ in the sum of Rs. _____for arrears of rent of the house and premises No. _____, situated at_____, in the town of_____, due for _____ month, to wit from_____ to_____, at the rate of Rs. _____per mensem.

Sworn [*or* Affirmed] before me the _____day of _____187 .

Judge.

B.

[*See section* 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of *C. D.*, on the house and premises situate at No._____in the Town of_____, for the sum of_____Rs., and the costs of the distress according to the provisions of The Distress Act, 1875. Dated day of

(Signed and sealed)

To *E. F., Bailiff and Appraiser.*

C.

[*See section* 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of_____Rs., being the amount of_____months' rent due to *A. B.* at_____last, and that unless you pay the amount thereof, together with the costs of this distress within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of The Distress Act, 1875. Dated the day of 18 .

(Signed) *E. F.,*

Bailiff and Appraiser.

To *C. D.*

D.

[*See section* 17.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the _____day of _____, under the provisions of The Distress Act, 1875, of which a notice and inventory were duly served upon you [*or* upon_____on your behalf *as the case may be*] under date the_____, and that the said property will be sold on the _____ [*two clear days at least after the date of the notice*] at _____pursuant to the provisions of the said Act. Dated this day of 187 .

(Signed) *E. F.*

G. H.

Bailiffs and Appraisers.

To *C. D.*

E.

[*See section* 19.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.	Affidavit and warrant to distrain.	Order to sell.	Commission.	Total.
Rs. Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1 and under 5	0 4 0	0 8 0	0 8 0	1 4 0
5 „ 10	0 8 0	0 8 0	1 0 0	2 0 0
10 „ 15	0 8 0	0 8 0	1 8 0	2 8 0
15 „ 20	0 8 0	1 0 0	2 0 0	3 8 0
20 „ 25	0 12 0	1 0 0	2 8 0	4 4 0
25 „ 30	1 0 0	1 0 0	3 0 0	5 0 0
30 „ 35	1 0 0	1 0 0	3 8 0	5 8 0
35 „ 40	1 0 0	1 8 0	4 0 0	6 8 0
40 „ 45	1 4 0	2 0 0	4 8 0	7 12 0
45 „ 50	1 8 0	2 0 0	5 0 0	8 8 0
50 „ 60	2 0 0	2 0 0	6 0 0	10 0 0
60 „ 80	2 8 0	2 8 0	6 8 0	11 8 0
80 to 100	3 0 0	3 0 0	7 0 0	13 0 0
Upwards of Rs. 100	3 0 0	3 0 0	7 per centum	

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpœnaed, in which case each subpœna for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also where peons were kept in charge of property distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

I.—STATUTES.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs ...	Ditto.
Les Estatuz del Eschekere between c. 13 and c. 14 of 17 Edw. 2.	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—ACTS.

Number and Year.	Subject.	Extent of repeal.
VII of 1847 ...	Distresses for small rents in Calcutta ...	The whole.
IX of 1850 ...	Extension of Act VII of 1847 ...	Section eighty-nine.
XXVI of 1864 ...	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and is hereby promulgated for general information :—

ACT No. II OF 1875.

An Act to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

Preamble.

WHEREAS it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality, and to extend the local limits of the authority of properly reported decisions of the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, cap. 104:

And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the said High Courts, to be called the Indian Authorized Law Reports; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Indian Law Reports Act, 1875:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

Limits of authority of authorized reports extended.

2. Every judgment delivered on or after such day by any of the said High Courts (whether by a Judge sitting alone, or by a Division Court, or by a Full Bench) and reported in the said Indian Authorized Law Reports, shall have the same authority in all subordinate Courts beyond the limits of the appellate jurisdiction of such High Court as independently of this Act it would have within such limits.

Authority given only to authorized reports after passing of Act.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority of judicial decisions.

4. Save as provided by section two, nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd February 1875, and is hereby promulgated for general information :—

ACT No. III OF 1875.

An Act to correct a clerical error in the Repealing Act, 1874.

Preamble.

For the purpose of correcting a clerical error in Act No. XVI of 1874; It is hereby enacted as follows :—

Amendment of Act XVI of 1874, schedule I, Part I.

1. In the third column of the first Part of the schedule to the said Act, opposite to "V of 1874," for the word "two," the word "one" shall be, and be deemed to have always been, substituted.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 13, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd February 1875, and is hereby promulgated for general information :—

ACT No. III OF 1875.

An Act to correct a clerical error in the Repealing Act, 1874.

Preamble.

For the purpose of correcting a clerical error in Act No. XVI of 1874; It is hereby enacted as follows :—

Amendment of Act XVI of 1874, schedule I, Part I.

1. In the third column of the first Part of the schedule to the said Act, opposite to "V of 1874," for the word "two," the word "one" shall be, and be deemed to have always been, substituted.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and is hereby promulgated for general information :—

ACT No. IV OF 1875.

THE INDIAN MERCHANT SHIPPING ACT, 1875.

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PREAMBLE.

CHAPTER I.—*Preliminary.*

SECTIONS.

1. Short title.
   Extent.
   Commencement.
2. Repeal of enactments.

CHAPTER II.—*Investigations into Losses of Ships and Charges against Masters, Mates or Engineers.*

SECTIONS.

3. Notice of accidents to be given to Local Government.
4. Power to appoint special Court of Enquiry.
5. Courts authorized to investigate charges against masters, &c.
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6. Communication to Court of grounds of charging Master, &c., with incompetency, &c.
7. Communication of grounds of charge to certificate holder.
8. Powers of special Court.
9. Procedure on discovery in course of investigation of grounds for charging with incompetency, &c.
10. Powers of Court in making investigation.
11. Report by Court to Local Government.
12. Statement of decision in open Court.
13. Transmission of report and certificate to Board of Trade.
14. Preliminaries to cancellation or suspension.
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17. Chapter II applied to charges against holders of certificates from Local Government.

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18. Local Government may suspend or cancel certificates—
    (*a*) after investigation under this Act,
    (*b*) after enquiry under Merchant Shipping Act, 1854, or by Naval Court,
    (*c*) after supersession,
    (*d*) after conviction of any offence.
19. Master, &c., to deliver up certificate.
20. Report to other Local Governments.
21. Report to Board of Trade.

SECTIONS.

22. Power to revoke cancellation or suspension.
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23. Saving of powers conferred on certain Admiralty Courts.
Exercise of such powers by chief criminal Courts in Indian Ports.

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24. Masters to enter into agreements with seamen.
25. Form and contents of agreement.
26. Provision where lascars are shipped.
27. Forms for British or Colonial ships.

CHAPTER V.—*Miscellaneous.*

28. Sections 3 to 27 to be taken as part of Act I of 1859.
29. Provisions as to examinations, &c., of masters not to apply to certain ships.
30. Amendment of section 2, 15, 17 and 23, Act X of 1841.
31. Powers of Pilot Court.

An Act for the further amendment of Act No. I of 1859, and for other purposes.

Preamble.

WHEREAS Act No. I of 1859 *(for the amendment of the law relating to Merchant Seamen)*, section one hundred, provides that, in the cases of loss, abandonment, damage, or casualty therein mentioned, it shall be lawful for the Local Government, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same, and declares that one of such persons shall be a Magistrate acting in or near the place where the investigation is made, and that the other may be any person conversant with maritime affairs:

And whereas it is expedient in many cases that such investigations shall be made by persons more in number and of more varied qualifications:

And whereas it is also expedient to provide efficient means for enforcing the attendance of witnesses in such investigations and in trials under Act No. XII of 1859 *(to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty)*:

And whereas it is expedient to repeal Act No. XV of 1863 (*to amend Act I of* 1859) and to re-enact certain of its provisions with the amendments hereinafter appearing:

And whereas it is provided by Act No. X of 1841, sections two, fifteen, seventeen and twenty-three, that the persons guilty of the offences therein respectively mentioned shall be liable upon conviction by information by the Advocate General to the penalties therein respectively provided:

And whereas it is expedient to render the said penalties recoverable otherwise than on information by the Advocate General;—

It is hereby enacted as follows:—

CHAPTER I.—*Preliminary.*

Short title.

1. This Act may be called "The Indian Merchant Shipping Act, 1875;"

Extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Repeal of enactments.

2. Sections one hundred, one hundred and one and one hundred and two of Act I of 1859 and the whole of Act XV of 1863, are hereby repealed.

But every enquiry now pending, which has been commenced under any enactment so repealed, shall be deemed to have been commenced under this Act.

CHAPTER II.—*Investigations into Losses of Ships and Charges against Masters, Mates or Engineers.*

Notice of accidents to be given to Local Government.

3. In any of the cases following (namely):—

(*a*) whenever any ship is lost, abandoned or materially damaged on or near the coasts of India;

(*b*) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(*c*) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(*d*) whenever any such loss, abandonment, damage or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X of 1841;

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under clause (*b*) of this section, of each ship, at the time of the loss, abandonment, damage or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her, shall, on arriving in British India, give immediate notice of such loss, abandonment, damage or casualty to the nearest Magistrate, or, if he arrive at any port, then to such officer as the Local Government appoints in this behalf.

Any person bound to give notice under this section and wilfully failing to give the same shall be liable to fine not exceeding five hundred rupees and, in default of payment, to simple imprisonment for a term which may extend to three months.

The Magistrate or officer receiving such notice shall without delay communicate the same to the Local Government.

Power to appoint special Court of Enquiry.

4. If in any such case a formal investigation appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, to make such investigation, and may fix the place for making the same.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made, another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

Courts authorized to investigate charges against masters, &c.

5. Every Court having admiralty jurisdiction in India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, at the instance of the Local Government, or of such officer as the Local Government may have empowered in this behalf, to investigate charges of incompetency or misconduct on the part of

any master, mate or engineer of any ship, who holds a certificate granted by the Board of Trade, or as to shipwreck or other casualties affecting ships.

Every such Court may, if it think fit, constitute as its assessor for the purposes of the investigation any person conversant with maritime affairs and willing to act as such assessor.

Assessor.

Such person shall attend during the investigation and deliver his opinion in writing to be recorded on the proceedings. But the decision of the case shall rest with the Court.

Communication to Court of grounds for charging Master, &c., with incompetency, &c.

6. If the Local Government has reason to think that there are grounds for charging any master, mate or engineer holding a certificate granted by the Board of Trade with incompetency or misconduct, it shall transmit a statement of such grounds to the Court making the investigation.

Communication of grounds of charge to certificate holder.

7. If the investigation involves a charge of incompetency or misconduct against any person holding such certificate as aforesaid, the Court shall, if practicable, before commencing the investigation cause the holder of such certificate to be furnished with a copy of the statement transmitted by the Local Government as aforesaid.

Powers of special Court.

8. For the purpose of the investigation the special Court, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as if such investigation were a proceeding relating to an offence or cause of complaint upon which the said Magistrate has power to convict.

Procedure on discovery in course of investigation of grounds for charging with incompetency, &c.

9. If, in the course of an investigation under this Act by any of the Courts hereinbefore mentioned, it appears that there are grounds for charging with incompetency or misconduct any holder of such certificate as aforesaid not so charged by the Local Government, the Court may cause a statement of such grounds to be furnished to such holder, and may then commence an investigation into such charge of incompetency or misconduct.

Powers of Court in making investigation.

10. For the purpose of such investigation such Court may summon the master, mate or engineer to appear, and shall give him full opportunity of making a defence, either in person or otherwise,

and may summon and examine witnesses.

Report by Court to Local Government.

11. The Court shall in all cases transmit to the Local Government a full report of the conclusions at which it has arrived.

Statement of decision in open Court.

12. If the Court decide that any such certificate as aforesaid shall be cancelled or suspended, it shall so state in open Court, at the conclusion of the case or as soon afterwards as possible.

Transmission of report and certificate to Board of Trade.

13. When the Court decides to cancel or suspend a certificate, it shall send a full report upon the case with the evidence, and the suspended or cancelled certificate through the Local Government to the Board of Trade.

Preliminaries to cancellation or suspension.

14. Provided that no certificate shall be cancelled or suspended—

(*a*) unless the person holding the certificate has before the commencement of the investigation been furnished with a copy of the statement of the case upon which the investigation has been ordered;

(*b*) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, unless the report be confirmed by the Local Government;

(*c*) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, attended by an Assessor, unless the Assessor expresses his concurrence in the report.

Power to arrest witnesses and cause entry and detention of vessels.

15. If any Court making an investigation under this Act thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject nevertheless to any general or special instructions from the Local Government) to enter any vessel.

Any officer so authorized to enter a vessel may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section one hundred and eighty-six.

No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial.

16. Whenever in course of any investigation under this Act, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may for the purposes of this section exercise all the powers of a Magistrate of the first class or of a Justice of the Peace:

Power to bind over persons to give evidence.

Depositions.

And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making investigations under this Act shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

17. All the foregoing provisions of this Chapter, except such as require reports to and communications with the Board of Trade, or relate to the actual cancellation or suspension of certificates, shall be applicable also to charges of incompetency or misconduct against any Master, Mate or Engineer who holds a certificate granted by any Local Government.

Chapter II applied to charges against holders of certificates from Local Government.

CHAPTER III.—*Suspension and Cancellation of Certificates granted by Local Governments.*

18. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, to any master, mate or engineer, in the following cases; (that is to say)—

Local Government may suspend or cancel certificates—

(*a*) If upon any investigation made under this Act, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or the master, mate or engineer is reported to be incompetent, or to have been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*a*) after investigation under this Act.

(*b*) If upon any enquiry made under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any enquiry made by a Naval Court constituted as is provided by any law for the time being in force, or upon any enquiry made by any Court or tribunal for the time being authorized in any British possession to enquire into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of the Master, Mate or Engineer; or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*b*) after enquiry under Merchant Shipping Act, 1854, or by Naval Court.

(*c*) If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force.

(*c*) after supersession.

(*d*) If he is shown to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony.

(*d*) after conviction of any offence.

Provided that no certificate shall be suspended or cancelled under clause (*a*) of this section unless the Local Government is satisfied that the holder of the certificate had before, or within a reasonable time after, the commencement of the investigation notice of the nature of the charge made and established against him.

The Local Government may, if it thinks the justice of the case requires it, re-issue and return any certificate which has been cancelled or suspended under this section, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

19. Every master, mate or engineer whose certificate is cancelled or suspended under this Chapter, shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default shall, for each offence, incur a penalty not exceeding five hundred rupees.

Master, &c., to deliver up certificate.

20. If the Local Government which cancels or suspends a certificate of a Master, Mate or Engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate.

Report to other Local Governments.

21. Every Local Government cancelling or suspending under this Chapter the certificate of a Master, Mate or Engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Report to Board of Trade.

Whenever it is reported to the Local Government that the loss or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a Master, Mate or Engineer holding a certificate from the said Board, or that such Master, Mate or Engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, the Local Government, if it concur in such report, shall send a copy of the same to the Board of Trade.

22. Any Local Government may at any subsequent time revoke any order of cancelment or suspension which it may have made under this Act, or grant to any person whose certificate it has cancelled under this Act, a new certificate of the same or of any other grade.

Power to revoke cancellation or suspension.

Power to grant new certificate.

Notice of every revocation and of every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

23. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of the said Act I of 1859, on Courts having admiralty jurisdiction in India.

Saving of powers conferred on certain Admiralty Courts.

The said powers may be exercised by the principal Court of ordinary criminal jurisdiction at any port in India where there is no Court having admiralty jurisdiction, if the Master, Mate or Engineer has received his certificate from any Local Government.

Exercise of such powers by chief criminal Courts in Indian Ports.

CHAPTER IV.—*Agreements with Seamen.*

24. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in India as one of his crew, in the manner hereinafter mentioned.

Masters to enter into agreements with seamen.

25. Every such agreement shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say)—

Form and contents of agreement.

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by Government as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

26. When it is agreed that the service of any lascar or other Native seaman shall end at any port not in India, the agreement shall, in addition to the particulars specified in section seventeen, contain stipulations for providing for him fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

Provision where Lascars are shipped.

EXPLANATION:—In this section the word 'seaman' includes also a Native of India carried to sea from any port in India as one of the crew of a ship.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman in any port in India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

Forms for British or Colonial ships.

CHAPTER V.—*Miscellaneous.*

28. Sections three to twenty-seven (both inclusive) shall be read with and taken as part of the said Act No. I of 1859.

Sections 3 to 27 to be taken as part of Act I of 1859.

29. Sections nine to sixteen (both inclusive) of the said Act No. I of 1859 shall not apply to ships registered under the said Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

Provisions as to examinations, &c., of masters not to apply to certain ships.

30. In the said sections two, fifteen, seventeen and twenty-three of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted (namely):—"on conviction before a Justice of the Peace or a Magistrate of the first class."

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

31. The Court conducting a trial under the said Act No. XII of 1859, shall have the same powers to compel the attendance and examination of witnesses as are conferred by this Act on Courts making investigations under section four.

Powers of Pilot Court.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and is hereby promulgated for general information:—

ACT No. V OF 1875.

An Act to remove doubts as to the rights and liabilities of certain Native Soldiers.

WHEREAS doubts have arisen as to the rights and liabilities of certain Native Soldiers who have been enrolled without having been attested, and it is expedient to remove such doubts; It is hereby enacted as follows:—

Preamble.

1. Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any Regiment, Corps, Depôt, Ordnance Establishment, or Department of Her Majesty's Indian Army (of which the last pay statement, if produced, shall be evidence), shall be deemed to have been duly enlisted, enrolled and attested, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enlistment, enrolment or attestation, or on any other ground save such as may be recognized by the orders and customs of the service.

Validation of enlistment of Native soldiers.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 20, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd February 1875, and is hereby promulgated for general information :—

ACT No. III OF 1875.

An Act to correct a clerical error in the Repealing Act, 1874.

Preamble.

For the purpose of correcting a clerical error in Act No. XVI of 1874; It is hereby enacted as follows :—

Amendment of Act XVI of 1874, schedule I, Part I.

1. In the third column of the first Part of the schedule to the said Act, opposite to "V of 1874," for the word "two," the word "one" shall be, and be deemed to have always been, substituted.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and is hereby promulgated for general information :—

ACT No. IV OF 1875.

THE INDIAN MERCHANT SHIPPING ACT, 1875.

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18. Local Government may suspend or cancel certificates—
    (*a*) after investigation under this Act,
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An Act for the further amendment of Act No. I of 1859, and for other purposes.

Preamble.

WHEREAS Act No. I of 1859 *(for the amendment of the law relating to Merchant Seamen)*, section one hundred, provides that, in the cases of loss, abandonment, damage, or casualty therein mentioned, it shall be lawful for the Local Government, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same, and declares that one of such persons shall be a Magistrate acting in or near the place where the investigation is made, and that the other may be any person conversant with maritime affairs:

And whereas it is expedient in many cases that such investigations shall be made by persons more in number and of more varied qualifications:

And whereas it is also expedient to provide efficient means for enforcing the attendance of witnesses in such investigations and in trials under Act No. XII of 1859 *(to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty)*:

And whereas it is expedient to repeal Act No. XV of 1863 (*to amend Act I of* 1859) and to re-enact certain of its provisions with the amendments hereinafter appearing:

And whereas it is provided by Act No. X of 1841, sections two, fifteen, seventeen and twenty-three, that the persons guilty of the offences therein respectively mentioned shall be liable upon conviction by information by the Advocate General to the penalties therein respectively provided:

And whereas it is expedient to render the said penalties recoverable otherwise than on information by the Advocate General;—

It is hereby enacted as follows:—

CHAPTER I.—*Preliminary.*

Short title.

1. This Act may be called "The Indian Merchant Shipping Act, 1875;"

Extent.

It extends to the whole of British India;

Commencement.

And it shall come into force at once.

Repeal of enactments.

2. Sections one hundred, one hundred and one and one hundred and two of Act I of 1859 and the whole of Act XV of 1863, are hereby repealed.

But every enquiry now pending, which has been commenced under any enactment so repealed, shall be deemed to have been commenced under this Act.

CHAPTER II.—*Investigations into Losses of Ships and Charges against Masters, Mates or Engineers.*

Notice of accidents to be given to Local Government.

3. In any of the cases following (namely):—

(*a*) whenever any ship is lost, abandoned or materially damaged on or near the coasts of India;

(*b*) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(*c*) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(*d*) whenever any such loss, abandonment, damage or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X of 1841;

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under clause (*b*) of this section, of each ship, at the time of the loss, abandonment, damage or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her, shall, on arriving in British India, give immediate notice of such loss, abandonment, damage or casualty to the nearest Magistrate, or, if he arrive at any port, then to such officer as the Local Government appoints in this behalf.

Any person bound to give notice under this section and wilfully failing to give the same shall be liable to fine not exceeding five hundred rupees and, in default of payment, to simple imprisonment for a term which may extend to three months.

The Magistrate or officer receiving such notice shall without delay communicate the same to the Local Government.

Power to appoint special Court of Enquiry.

4. If in any such case a formal investigation appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, to make such investigation, and may fix the place for making the same.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made, another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

Courts authorized to investigate charges against masters, &c.

5. Every Court having admiralty jurisdiction in India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, at the instance of the Local Government, or of such officer as the Local Government may have empowered in this behalf, to investigate charges of incompetency or misconduct on the part of

any master, mate or engineer of any ship, who holds a certificate granted by the Board of Trade, or as to shipwreck or other casualties affecting ships.

Assessor.

Every such Court may, if it think fit, constitute as its assessor for the purposes of the investigation any person conversant with maritime affairs and willing to act as such assessor.

Such person shall attend during the investigation and deliver his opinion in writing to be recorded on the proceedings. But the decision of the case shall rest with the Court.

Communication to Court of grounds for charging Master, &c., with incompetency, &c.

6. If the Local Government has reason to think that there are grounds for charging any master, mate or engineer holding a certificate granted by the Board of Trade with incompetency or misconduct, it shall transmit a statement of such grounds to the Court making the investigation.

Communication of grounds of charge to certificate holder.

7. If the investigation involves a charge of incompetency or misconduct against any person holding such certificate as aforesaid, the Court shall, if practicable, before commencing the investigation cause the holder of such certificate to be furnished with a copy of the statement transmitted by the Local Government as aforesaid.

Powers of special Court.

8. For the purpose of the investigation the special Court, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as if such investigation were a proceeding relating to an offence or cause of complaint upon which the said Magistrate has power to convict.

Procedure on discovery in course of investigation of grounds for charging with incompetency, &c.

9. If, in the course of an investigation under this Act by any of the Courts hereinbefore mentioned, it appears that there are grounds for charging with incompetency or misconduct any holder of such certificate as aforesaid not so charged by the Local Government, the Court may cause a statement of such grounds to be furnished to such holder, and may then commence an investigation into such charge of incompetency or misconduct.

Powers of Court in making investigation.

10. For the purpose of such investigation such Court may summon the master, mate or engineer to appear, and shall give him full opportunity of making a defence, either in person or otherwise,

and may summon and examine witnesses.

Report by Court to Local Government.

11. The Court shall in all cases transmit to the Local Government a full report of the conclusions at which it has arrived.

Statement of decision in open Court.

12. If the Court decide that any such certificate as aforesaid shall be cancelled or suspended, it shall so state in open Court, at the conclusion of the case or as soon afterwards as possible.

Transmission of report and certificate to Board of Trade.

13. When the Court decides to cancel or suspend a certificate, it shall send a full report upon the case with the evidence, and the suspended or cancelled certificate through the Local Government to the Board of Trade.

Preliminaries to cancellation or suspension.

14. Provided that no certificate shall be cancelled or suspended—

(*a*) unless the person holding the certificate has before the commencement of the investigation been furnished with a copy of the statement of the case upon which the investigation has been ordered;

(*b*) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, unless the report be confirmed by the Local Government;

(*c*) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, attended by an Assessor, unless the Assessor expresses his concurrence in the report.

Power to arrest witnesses and cause entry and detention of vessels.

15. If any Court making an investigation under this Act thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject nevertheless to any general or special instructions from the Local Government) to enter any vessel.

Any officer so authorized to enter a vessel may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section one hundred and eighty-six.

No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial.

16. Whenever in course of any investigation under this Act, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may for the purposes of this section exercise all the powers of a Magistrate of the first class or of a Justice of the Peace:

Power to bind over persons to give evidence.

Depositions.

And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making investigations under this Act shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

17. All the foregoing provisions of this Chapter, except such as require reports to and communications with the Board of Trade, or relate to the actual cancellation or suspension of certificates, shall be applicable also to charges of incompetency or misconduct against any Master, Mate or Engineer who holds a certificate granted by any Local Government.

Chapter II applied to charges against holders of certificates from Local Government.

CHAPTER III.—*Suspension and Cancellation of Certificates granted by Local Governments.*

18. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, to any master, mate or engineer, in the following cases; (that is to say)—

Local Government may suspend or cancel certificates—

(*a*) If upon any investigation made under this Act, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or the master, mate or engineer is reported to be incompetent, or to have been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*a*) after investigation under this Act.

(*b*) If upon any enquiry made under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any enquiry made by a Naval Court constituted as is provided by any law for the time being in force, or upon any enquiry made by any Court or tribunal for the time being authorized in any British possession to enquire into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of the Master, Mate or Engineer; or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*b*) after enquiry under Merchant Shipping Act, 1854, or by Naval Court.

(*c*) If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force.

(*c*) after supersession.

(*d*) If he is shown to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony.

(*d*) after conviction of any offence.

Provided that no certificate shall be suspended or cancelled under clause (*a*) of this section unless the Local Government is satisfied that the holder of the certificate had before, or within a reasonable time after, the commencement of the investigation notice of the nature of the charge made and established against him.

The Local Government may, if it thinks the justice of the case requires it, re-issue and return any certificate which has been cancelled or suspended under this section, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

19. Every master, mate or engineer whose certificate is cancelled or suspended under this Chapter, shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default shall, for each offence, incur a penalty not exceeding five hundred rupees.

Master, &c., to deliver up certificate.

20. If the Local Government which cancels or suspends a certificate of a Master, Mate or Engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate.

Report to other Local Governments.

21. Every Local Government cancelling or suspending under this Chapter the certificate of a Master, Mate or Engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Report to Board of Trade.

Whenever it is reported to the Local Government that the loss or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a Master, Mate or Engineer holding a certificate from the said Board, or that such Master, Mate or Engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, the Local Government, if it concur in such report, shall send a copy of the same to the Board of Trade.

22. Any Local Government may at any subsequent time revoke any order of cancelment or suspension which it may have made under this Act, or grant to any person whose certificate it has cancelled under this Act, a new certificate of the same or of any other grade.

Power to revoke cancellation or suspension.

Power to grant new certificate.

Notice of every revocation and of every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

23. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of the said Act I of 1859, on Courts having admiralty jurisdiction in India.

Saving of powers conferred on certain Admiralty Courts.

The said powers may be exercised by the principal Court of ordinary criminal jurisdiction at any port in India where there is no Court having admiralty jurisdiction, if the Master, Mate or Engineer has received his certificate from any Local Government.

Exercise of such powers by chief criminal Courts in Indian Ports.

CHAPTER IV.—*Agreements with Seamen.*

24. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in India as one of his crew, in the manner hereinafter mentioned.

Masters to enter into agreements with seamen.

25. Every such agreement shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say)—

Form and contents of agreement.

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by Government as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

26. When it is agreed that the service of any lascar or other Native seaman shall end at any port not in India, the agreement shall, in addition to the particulars specified in section seventeen, contain stipulations for providing for him fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

Provision where Lascars are shipped.

EXPLANATION:—In this section the word 'seaman' includes also a Native of India carried to sea from any port in India as one of the crew of a ship.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman in any port in India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

Forms for British or Colonial ships.

CHAPTER V.—*Miscellaneous.*

28. Sections three to twenty-seven (both inclusive) shall be read with and taken as part of the said Act No. I of 1859.

Sections 3 to 27 to be taken as part of Act I of 1859.

29. Sections nine to sixteen (both inclusive) of the said Act No. I of 1859 shall not apply to ships registered under the said Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

Provisions as to examinations, &c., of masters not to apply to certain ships.

30. In the said sections two, fifteen, seventeen and twenty-three of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted (namely):—"on conviction before a Justice of the Peace or a Magistrate of the first class."

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

31. The Court conducting a trial under the said Act No. XII of 1859, shall have the same powers to compel the attendance and examination of witnesses as are conferred by this Act on Courts making investigations under section four.

Powers of Pilot Court.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and is hereby promulgated for general information:—

ACT No. V OF 1875.

An Act to remove doubts as to the rights and liabilities of certain Native Soldiers.

WHEREAS doubts have arisen as to the rights and liabilities of certain Native Soldiers who have been enrolled without having been attested, and it is expedient to remove such doubts; It is hereby enacted as follows:—

Preamble.

1. Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any Regiment, Corps, Depôt, Ordnance Establishment, or Department of Her Majesty's Indian Army (of which the last pay statement, if produced, shall be evidence), shall be deemed to have been duly enlisted, enrolled and attested, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enlistment, enrolment or attestation, or on any other ground save such as may be recognized by the orders and customs of the service.

Validation of enlistment of Native soldiers.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 27, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and is hereby promulgated for general information :—

ACT No. IV OF 1875.

THE INDIAN MERCHANT SHIPPING ACT, 1875.

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28. Sections 3 to 27 to be taken as part of Act I of 1859.
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An Act for the further amendment of Act No. I of 1859, and for other purposes.

WHEREAS Act No. I of 1859 *(for the amendment of the law relating to Merchant Seamen)*, section one hundred, provides that, in the cases of loss, abandonment, damage, or casualty therein mentioned, it shall be lawful for the Local Government, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same, and declares that one of such persons shall be a Magistrate acting in or near the place where the investigation is made, and that the other may be any person conversant with maritime affairs: Preamble.

And whereas it is expedient in many cases that such investigations shall be made by persons more in number and of more varied qualifications:

And whereas it is also expedient to provide efficient means for enforcing the attendance of witnesses in such investigations and in trials under Act No. XII of 1859 *(to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty)*:

And whereas it is expedient to repeal Act No. XV of 1863 *(to amend Act I of* 1859) and to re-enact certain of its provisions with the amendments hereinafter appearing:

And whereas it is provided by Act No. X of 1841, sections two, fifteen, seventeen and twenty-three, that the persons guilty of the offences therein respectively mentioned shall be liable upon conviction by information by the Advocate General to the penalties therein respectively provided:

And whereas it is expedient to render the said penalties recoverable otherwise than on information by the Advocate General;—

It is hereby enacted as follows:—

CHAPTER I.—*Preliminary.*

Short title. 1. This Act may be called "The Indian Merchant Shipping Act, 1875;"

Extent. It extends to the whole of British India;

[illegible] And it shall come into force at once.

Repeal of enactments. 2. Sections one hundred, one hundred and one and one hundred and two of Act I of 1859 and the whole of Act XV of 1863, are hereby repealed.

But every enquiry now pending, which has been commenced under any enactment so repealed, shall be deemed to have been commenced under this Act.

CHAPTER II.—*Investigations into Losses of Ships and Charges against Masters, Mates or Engineers.*

Notice of accidents to be given to Local Government. 3. In any of the cases following (namely):—

(*a*) whenever any ship is lost, abandoned or materially damaged on or near the coasts of India;

(*b*) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(*c*) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(*d*) whenever any such loss, abandonment, damage or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X of 1841;

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under clause (*b*) of this section, of each ship, at the time of the loss, abandonment, damage or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her, shall, on arriving in British India, give immediate notice of such loss, abandonment, damage or casualty to the nearest Magistrate, or, if he arrive at any port, then to such officer as the Local Government appoints in this behalf.

Any person bound to give notice under this section and wilfully failing to give the same shall be liable to fine not exceeding five hundred rupees and, in default of payment, to simple imprisonment for a term which may extend to three months.

The Magistrate or officer receiving such notice shall without delay communicate the same to the Local Government.

Power to appoint special Court of Enquiry. 4. If in any such case a formal investigation appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, to make such investigation, and may fix the place for making the same.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made, another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

Courts authorized to investigate charges against masters, &c. 5. Every Court having admiralty jurisdiction in India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, at the instance of the Local Government, or of such officer as the Local Government may have empowered in this behalf, to investigate charges of incompetency or misconduct on the part of

any master, mate or engineer of any ship, who holds a certificate granted by the Board of Trade, or as to shipwreck or other casualties affecting ships.

Every such Court may, if it think fit, constitute as its assessor for the purposes of the investigation any person conversant with maritime affairs and willing to act as such assessor. Assessor.

Such person shall attend during the investigation and deliver his opinion in writing to be recorded on the proceedings. But the decision of the case shall rest with the Court.

Communication to Court of grounds for charging Master, &c., with incompetency, &c. 6. If the Local Government has reason to think that there are grounds for charging any master, mate or engineer holding a certificate granted by the Board of Trade with incompetency or misconduct, it shall transmit a statement of such grounds to the Court making the investigation.

Communication of grounds of charge to certificate holder. 7. If the investigation involves a charge of incompetency or misconduct against any person holding such certificate as aforesaid, the Court shall, if practicable, before commencing the investigation cause the holder of such certificate to be furnished with a copy of the statement transmitted by the Local Government as aforesaid.

Powers of special Court. 8. For the purpose of the investigation the special Court, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as if such investigation were a proceeding relating to an offence or cause of complaint upon which the said Magistrate has power to convict.

Procedure on discovery in course of investigation of grounds for charging with incompetency, &c. 9. If, in the course of an investigation under this Act by any of the Courts hereinbefore mentioned, it appears that there are grounds for charging with incompetency or misconduct any holder of such certificate as aforesaid not so charged by the Local Government, the Court may cause a statement of such grounds to be furnished to such holder, and may then commence an investigation into such charge of incompetency or misconduct.

Powers of Court in making investigation. 10. For the purpose of such investigation such Court may summon the master, mate or engineer to appear, and shall give him full opportunity of making a defence, either in person or otherwise,

and may summon and examine witnesses.

Report by Court to Local Government. 11. The Court shall in all cases transmit to the Local Government a full report of the conclusions at which it has arrived.

Statement of decision in open Court. 12. If the Court decide that any such certificate as aforesaid shall be cancelled or suspended, it shall so state in open Court, at the conclusion of the case or as soon afterwards as possible.

Transmission of report and certificate to Board of Trade. 13. When the Court decides to cancel or suspend a certificate, it shall send a full report upon the case with the evidence, and the suspended or cancelled certificate through the Local Government to the Board of Trade.

Preliminaries to cancellation or suspension. 14. Provided that no certificate shall be cancelled or suspended—

(*a*) unless the person holding the certificate has before the commencement of the investigation been furnished with a copy of the statement of the case upon which the investigation has been ordered;

(*b*) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, unless the report be confirmed by the Local Government;

(*c*) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, attended by an Assessor, unless the Assessor expresses his concurrence in the report.

Power to arrest witnesses and cause entry and detention of vessels. 15. If any Court making an investigation under this Act thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject nevertheless to any general or special instructions from the Local Government) to enter any vessel.

Any officer so authorized to enter a vessel may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section one hundred and eighty-six.

No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial. 16. Whenever in course of any investigation under this Act, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may for the purposes of this section exercise all the powers of a Magistrate of the first class or of a Justice of the Peace:

Power to bind over persons to give evidence.

Depositions. And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making investigations under this Act shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

17. All the foregoing provisions of this Chapter, except such as require reports to and communications with the Board of Trade, or relate to the actual cancellation or suspension of certificates, shall be applicable also to charges of incompetency or misconduct against any Master, Mate or Engineer who holds a certificate granted by any Local Government.

Chapter II applied to charges against holders of certificates from Local Government.

CHAPTER III.—*Suspension and Cancellation of Certificates granted by Local Governments.*

18. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government, to any master, mate or engineer, in the following cases; (that is to say)—

Local Government may suspend or cancel certificates—

(*a*) If upon any investigation made under this Act, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or the master, mate or engineer is reported to be incompetent, or to have been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*a*) after investigation under this Act.

(*b*) If upon any enquiry made under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any enquiry made by a Naval Court constituted as is provided by any law for the time being in force, or upon any enquiry made by any Court or tribunal for the time being authorized in any British possession to enquire into charges of incompetency or misconduct on the part of masters, mates or engineers of ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of the Master, Mate or Engineer; or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct.

(*b*) after enquiry under Merchant Shipping Act, 1854, or by Naval Court.

(*c*) If he has been superseded by the order of any Admiralty Court, or of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force.

(*c*) after supersession.

(*d*) If he is shown to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony.

(*d*) after conviction of any offence.

Provided that no certificate shall be suspended or cancelled under clause (*a*) of this section unless the Local Government is satisfied that the holder of the certificate had before, or within a reasonable time after, the commencement of the investigation notice of the nature of the charge made and established against him.

The Local Government may, if it thinks the justice of the case requires it, re-issue and return any certificate which has been cancelled or suspended under this section, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

19. Every master, mate or engineer whose certificate is cancelled or suspended under this Chapter, shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default shall, for each offence, incur a penalty not exceeding five hundred rupees.

Master, &c., to deliver up certificate.

20. If the Local Government which cancels or suspends a certificate of a Master, Mate or Engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancelment or suspension, to the Local Government which granted such certificate.

Report to other Local Governments.

21. Every Local Government cancelling or suspending under this Chapter the certificate of a Master, Mate or Engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Report to Board of Trade.

Whenever it is reported to the Local Government that the loss or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a Master, Mate or Engineer holding a certificate from the said Board, or that such Master, Mate or Engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, the Local Government, if it concur in such report, shall send a copy of the same to the Board of Trade.

22. Any Local Government may at any subsequent time revoke any order of cancelment or suspension which it may have made under this Act, or grant to any person whose certificate it has cancelled under this Act, a new certificate of the same or of any other grade.

Power to revoke cancellation or suspension.

Power to grant new certificate.

Notice of every revocation and of every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

23. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of the said Act I of 1859, on Courts having admiralty jurisdiction in India.

Saving of powers conferred on certain Admiralty Courts.

The said powers may be exercised by the principal Court of ordinary criminal jurisdiction at any port in India where there is no Court having admiralty jurisdiction, if the Master, Mate or Engineer has received his certificate from any Local Government.

Exercise of such powers by chief criminal Courts in Indian Ports.

CHAPTER IV.—*Agreements with Seamen.*

24. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home-trade, shall enter into an agreement with every seaman whom he carries to sea from any port in India as one of his crew, in the manner hereinafter mentioned.

Masters to enter into agreements with seamen.

25. Every such agreement shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say)—

Form and contents of agreement.

(*a*) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(*b*) the number and description of the crew, specifying how many are engaged as sailors;

(*c*) the time at which each seaman is to be on board or to begin work;

(*d*) the capacity in which each seaman is to serve;

(*e*) the amount of wages which each seaman is to receive;

(*f*) a scale of the provisions which are to be furnished to each seaman; and

(*g*) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by Government as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

26. When it is agreed that the service of any lascar or other Native seaman shall end at any port not in India, the agreement shall, in addition to the particulars specified in section seventeen, contain stipulations for providing for him fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

Provision where Lascars are shipped.

EXPLANATION:—In this section the word 'seaman' includes also a Native of India carried to sea from any port in India as one of the crew of a ship.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman in any port in India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

Forms for British or Colonial ships.

CHAPTER V.—*Miscellaneous.*

28. Sections three to twenty-seven (both inclusive) shall be read with and taken as part of the said Act No. I of 1859.

Sections 3 to 27 to be taken as part of Act I of 1859.

29. Sections nine to sixteen (both inclusive) of the said Act No. I of 1859 shall not apply to ships registered under the said Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

Provisions as to examinations, &c., of masters not to apply to certain ships.

30. In the said sections two, fifteen, seventeen and twenty-three of the said Act No. X of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted (namely):—"on conviction before a Justice of the Peace or a Magistrate of the first class."

Amendment of Act X of 1841, secs. 2, 15, 17 and 23.

31. The Court conducting a trial under the said Act No. XII of 1859, shall have the same powers to compel the attendance and examination of witnesses as are conferred by this Act on Courts making investigations under section four.

Powers of Pilot Court.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and is hereby promulgated for general information:—

ACT No. V OF 1875.

An Act to remove doubts as to the rights and liabilities of certain Native Soldiers.

WHEREAS doubts have arisen as to the rights and liabilities of certain Native Soldiers who have been enrolled without having been attested, and it is expedient to remove such doubts; It is hereby enacted as follows:—

Preamble.

1. Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any Regiment, Corps, Depôt, Ordnance Establishment, or Department of Her Majesty's Indian Army (of which the last pay statement, if produced, shall be evidence), shall be deemed to have been duly enlisted, enrolled and attested, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enlistment, enrolment or attestation, or on any other ground save such as may be recognized by the orders and customs of the service.

Validation of enlistment of Native soldiers.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and is hereby promulgated for general information:—

ACT No. VI OF 1875.

An Act to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

Preamble. Patent of Baronetcy.

WHEREAS by Letters Patent of Her Majesty dated the sixth day of August, 1858, and by Warrant under the Queen's sign-manual, Her said Majesty conferred upon Sir Jamsetjee Jeejeebhoy, then of Bombay, Knight, but since deceased, the dignity of Baronet, to hold the same to him and the heirs male of his body:

Trustees under Act XX of 1860.

And whereas by an Act of the Legislative Council of India numbered XX of 1860, and entitled "An Act for settling Promissory Notes of the Government of India producing an annual income of one lákh of Rupees and a Mansion-house and hereditaments called 'Mazagon Castle,' in the Island of Bombay, late the property of Sir Jamsetjee Jeejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith," certain officers therein mentioned were constituted Trustees for executing the powers and purposes of such Act:

Government Promissory Notes producing an annual income of one lákh vested in Trustees.

And it was thereby enacted that, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees should be transferred into the names of the said Trustees upon trust, amongst other things, from time to time to pay and apply the annual income of the said securities

Trusts of the income.

unto and for the benefit of the present Baronet, Sir Jamsetjee Jeejeebhoy, and the person who, as heir male of the body of the said first Baronet, should, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, and in default of heirs male of the body of the said first Baronet to whom the same dignity of Baronet might descend, upon trust for the present Baronet, his executors, administrators and assigns:

Alienation prohibited during the Baronetcy.

And it was by the said Act further enacted that, subject as therein mentioned, so long as the said dignity of Baronet should endure, and until there should be a failure of heirs male of the body of the said first Baronet to whom the said dignity might descend, neither the said present Baronet nor any of the heirs male of the body of the said first Baronet in whose favour trusts were thereinbefore declared of the annual income of the said securities, should convey, charge, or encumber the said securities, or any part thereof, or the annual income thereof, or of any part thereof, for any greater or larger estate or interest than during his natural life, and for such portion thereof only as he should continue to use the names of "Jamsetjee Jeejeebhoy," nor should have any power to discontinue or bar the estate of any person or persons for whose benefit trusts were declared by the said Act of the annual income of the said securities, or to prevent any such person or persons from succeeding to the same; nor should the same be held to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he should continue to use the names of "Jamsetjee Jeejeebhoy;" and every attempt to make any assurance contrary to the intention of the said Act was thereby declared to be void:

And whereas, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees were transferred into the names of the said trustees upon the trusts aforesaid:

And whereas, since the said transfer, part of the said promissory notes, producing an annual income of five thousand rupees, has been paid off by the Government of India; and the annual income of the promissory notes vested in the said trustees upon the trusts aforesaid was thereby reduced to ninety-five thousand rupees:

And whereas the said present Baronet has three sons only (namely), Manakjee Cursetjee Jamsetjee, Cowasjee Cursetjee Jamsetjee, and Jamsetjee Cursetjee Jamsetjee who is a minor:

Agreement for loan.

And whereas the said present Baronet recently applied to the Government of India to advance and lend to him the sum of four and a half lákhs of rupees, to be applied to purposes beneficial to himself and his said sons, which the Government of India agreed to do upon having the repayment thereof with interest secured in manner hereinafter mentioned:

Advance of loan.

And whereas, in pursuance of the said agreement, the sum of four and a half lákhs of rupees has been advanced and lent to the said present Baronet:

Concurrence of present Baronet's sons.

And whereas the said Manakjee Cursetjee Jamsetjee and Cowasjee Cursetjee Jamsetjee by themselves, and the said Jamsetjee Cursetjee Jamsetjee by his guardian, have agreed to the arrangement intended to be effected by this Act;—

It is hereby enacted as follows:—

Withholding interest on notes in discharge of loan.

1. In consideration of the premises, and notwithstanding anything contained in the said recited Act, the Government of India shall withhold out of said sum of ninety-five thousand rupees, being the interest on the said promissory notes now vested in the said trustees, the annual sum of forty thousand rupees during the term of seventeen years from the date of the passing of this Act, unless the said sum of four and a half lákhs of rupees with interest thereon at five per cent. per annum has been sooner discharged.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and is hereby promulgated for general information:—

ACT No. VII OF 1875.

An Act to regulate Fisheries in British Burma.

Preamble.

WHEREAS the exclusive right of fishing in British Burma in such fisheries as are hereinafter mentioned belongs by the custom of the country to the Government:

And whereas it is expedient to provide for the protection of this right, and for conceding the enjoyment of it to the public or to individuals gratuitously, or in consideration of fees or rent, and subject to suitable restrictions and conditions;

It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Burma Fisheries Act, 1875:"

Local extent.

It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma;

Commencement.

And it shall come into operation on the first day of April 1875.

Interpretation-clause.

2. In this Act—

"Fish."

"Fish" includes also shell-fish:

"Fishery."

"Fishery" means any collection of water, running or still, tidal or non-tidal, which is itself of a permanent nature, or is connected with some waters of a permanent nature, and in which fish or turtle may be found. It includes the sea:

"To fish."

"To fish" includes to catch turtle or collect their eggs; and

"Fixed engine."

"Fixed engine" means any fixed implement or engine for catching or for facilitating the catching of fish, and includes a net secured by anchors, or otherwise temporarily fixed to the soil.

II.—Rights of Fishery.

Right of fishery.

3. No right to fish in any fishery shall be deemed to have been acquired by the public or by any person, either previously to the passing of this Act or subsequently thereto, except in one of the modes hereinafter described:

Proviso.

But nothing herein contained shall be held, nor shall the giving of any grant, lease, license or permission under this Act be held, to prevent the public from angling with a rod and line only in any fishery:

provided that such angling may, in any case, with the previous sanction of the Chief Commissioner, be forbidden by a proclamation issued by the Deputy Commissioner of the District in which such fishery is situate, for such time as may be fixed by such proclamation:

And nothing herein contained shall prejudice or derogate from any express grant of a right to fish heretofore made by the British Government.

Disposal of right of fishery.

4. The Deputy Commissioner of any District may, subject to such rules, conditions and restrictions as may be prescribed by the Chief Commissioner in this behalf, dispose of the right of fishing in any fishery situate within his District, or specially placed under his charge by the Chief Commissioner, in any one of the following modes, that is to say,

(*a*) he may declare such fishery open to the public, or to the inhabitants of any town or village, or to any other class of persons:

(*b*) he may lease the exclusive right of fishing in such fishery to any person; or

(*c*) he may, where he has not disposed of the right of fishing in any of the foregoing modes, grant licenses to any number of persons to use nets, traps and other implements for fishing in such fishery,

and (subject as aforesaid) he may declare that any fishery shall cease to be a fishery for the purposes of this Act.

All such declarations, leases and licenses made and granted by the British Government before this Act comes into operation and then in force shall be deemed to have been respectively made and granted under this section.

Recovery of fees, rents, &c.

5. All fees, rents and other moneys due to Government in respect of any lease, license or permission granted under this Act, may be recovered in the manner prescribed by the law for the time being in force for the recovery of arrears of revenue.

III.—Erection of Weirs.

Weirs not to be erected without sanction of Deputy Commissioner.

6. No weir or other fixed obstruction, and no fixed engine tending to hinder the movements of fish, or to interfere with the flow of the water, or to impede navigation, shall be erected, placed, maintained, or used in any fishery, or in waters connected with any fishery, by a grantee or lessee, or by any other person whomsoever, without a special permission in that behalf under the hand of the Deputy Commissioner of the District in which such fishery is situate.

IV.—Penalties.

Penalties.

7. Any person who commits any of the following offences, (namely)—

(*a*) fishes in any fishery not having a right to fish therein,

(*b*) erects, places, maintains or uses any fixed obstruction or fixed engine in a fishery, or in waters connected therewith, without being specially permitted to do so under section six,

(*c*) puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery, any solid or liquid matter to such an extent as to poison or kill, or to cause the water to poison or kill, fish,

(*d*) interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish,

shall be punished, for a first offence, with imprisonment for a term not exceeding three months, or a fine not exceeding two hundred rupees, or both;

and, for a second offence, with imprisonment for a term not exceeding six months, or a fine not exceeding five hundred rupees, or both:

And any obstruction or engine erected, placed, maintained or used in contravention of section six, and any fish taken by means of such engine or obstruction, or otherwise in contravention of this Act, or of any rules made hereunder and for the time being in force, shall be forfeited:

And such obstruction or engine may be removed or taken possession of by the Deputy Commissioner or such person as he empowers in this behalf:

And the expense (if any) of such removal may be recovered from the person erecting, placing, maintaining or using the obstruction or engine so removed, as if it was an arrear of revenue.

V.—Subsidiary Rules.

8. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules for all or any of the following purposes:—

Power to make rules.

(*a*) for the survey and demarcation of the limits of fisheries;

(*b*) for determining in which of the modes mentioned in section four, the right to fish in each fishery shall be disposed of;

(*c*) for regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or granted or let on lease to individuals;

(*d*) for fixing the rates at which, and the conditions on which, licenses to use implements for fishing may be granted;

(*e*) for settling the terms and conditions on which permission to erect, place, maintain or use fixed obstructions and engines in fisheries or waters connected therewith may be granted;

(*f*) for making and maintaining free gaps in weirs;

and generally to carry out the purposes of this Act.

9. The Chief Commissioner may, with the like sanction, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Penalty for breach of rules.

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

Publication of rules.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 6, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor-General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and is hereby promulgated for general information:—

ACT No. VI OF 1875.

An Act to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

WHEREAS by Letters Patent of Her Majesty dated the sixth day of August, 1858, and by Warrant under the Queen's sign-manual, Her said Majesty conferred upon Sir Jamsetjee Jeejeebhoy, then of Bombay, Knight, but since deceased, the dignity of Baronet, to hold the same to him and the heirs male of his body:

Preamble. Patent of Baronetcy.

And whereas by an Act of the Legislative Council of India numbered XX of 1860, and entitled "An Act for settling Promissory Notes of the Government of India producing an annual income of one lákh of Rupees and a Mansion-house and hereditaments called 'Mazagon Castle,' in the Island of Bombay, late the property of Sir Jamsetjee Jeejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith," certain officers therein mentioned were constituted Trustees for executing the powers and purposes of such Act:

Trustees under Act XX of 1860.

And it was thereby enacted that, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees should be transferred into the names of the said Trustees upon trust, amongst other things, from time to time to pay and apply the annual income of the said securities unto and for the benefit of the present Baronet, Sir Jamsetjee Jeejeebhoy, and the person who, as heir male of the body of the said first Baronet, should, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, and in default of heirs male of the body of the said first Baronet to whom the same dignity of Baronet might descend, upon trust for the present Baronet, his executors, administrators and assigns:

Government Promissory Notes producing an annual income of one lákh vested in Trustees.

Trusts of the income.

And it was by the said Act further enacted that, subject as therein mentioned, so long as the said dignity of Baronet should endure, and until there should be a failure of heirs male of the body of the said first Baronet to whom the said dignity might descend, neither the said present Baronet nor any of the heirs male of the body of the said first Baronet in whose favour trusts were thereinbefore declared of the annual income of the said securities, should convey, charge, or encumber the said securities, or any part thereof, or the annual income thereof, or of any part thereof, for any greater or larger estate or interest than during his natural life, and for such portion thereof only as he should continue to use the names of "Jamsetjee Jeejeebhoy," nor should have any power to discontinue or bar the

Alienation prohibited during the Baronetcy.

estate of any person or persons for whose benefit trusts were declared by the said Act of the annual income of the said securities, or to prevent any such person or persons from succeeding to the same; nor should the same be held to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he should continue to use the names of "Jamsetjee Jeejeebhoy;" and every attempt to make any assurance contrary to the intention of the said Act was thereby declared to be void:

And whereas, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees were transferred into the names of the said trustees upon the trusts aforesaid:

And whereas, since the said transfer, part of the said promissory notes, producing an annual income of five thousand rupees, has been paid off by the Government of India; and the annual income of the promissory notes vested in the said trustees upon the trusts aforesaid was thereby reduced to ninety-five thousand rupees:

And whereas the said present Baronet has three sons only (namely), Manakjee Cursetjee Jamsetjee, Cowasjee Cursetjee Jamsetjee, and Jamsetjee Cursetjee Jamsetjee who is a minor:

And whereas the said present Baronet recently applied to the Government of India to advance and lend to him the sum of four and a half lákhs of rupees, to be applied to purposes beneficial to himself and his said sons, which the Government of India agreed to do upon having the repayment thereof with interest secured in manner hereinafter mentioned: Agreement for loan.

And whereas, in pursuance of the said agreement, the sum of four and a half lákhs of rupees has been advanced and lent to the said present Baronet: Advance of loan.

And whereas the said Manakjee Cursetjee Jamsetjee and Cowasjee Cursetjee Jamsetjee by themselves, and the said Jamsetjee Cursetjee Jamsetjee by his guardian, have agreed to the arrangement intended to be effected by this Act;— Concurrence of present Baronet's sons.

It is hereby enacted as follows:—

1. In consideration of the premises, and notwithstanding anything contained in the said recited Act, the Government of India shall withhold out of said sum of ninety-five thousand rupees, being the interest on the said promissory notes now vested in the said trustees, the annual sum of forty thousand rupees during the term of seventeen years from the date of the passing of this Act, unless the said sum of four and a half lákhs of rupees with interest thereon at five per cent. per annum has been sooner discharged. Withholding interest on notes in discharge of loan.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and is hereby promulgated for general information:—

ACT No. VII OF 1875.

An Act to regulate Fisheries in British Burma.

WHEREAS the exclusive right of fishing in British Burma in such fisheries as are hereinafter mentioned belongs by the custom of the country to the Government: Preamble.

And whereas it is expedient to provide for the protection of this right, and for conceding the enjoyment of it to the public or to individuals gratuitously, or in consideration of fees or rent, and subject to suitable restrictions and conditions;

It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Burma Fisheries Act, 1875:" Short title.

It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma; Local extent.

And it shall come into operation on the first day of April 1875. Commencement.

2. In this Act— Interpretation-clause.

"Fish" includes also shell-fish: "Fish."

"Fishery" means any collection of water, running or still, tidal or non-tidal, which is itself of a permanent nature, or is connected with some waters of a permanent nature, and in which fish or turtle may be found. It includes the sea: "Fishery."

"To fish" includes to catch turtle or collect their eggs; and "To fish."

"Fixed engine" means any fixed implement or engine for catching or for facilitating the catching of fish, and includes a net secured by anchors, or otherwise temporarily fixed to the soil. "Fixed engine."

II.—Rights of Fishery.

3. No right to fish in any fishery shall be deemed to have been acquired by the public or by any person, either previously to the passing of this Act or subsequently thereto, except in one of the modes hereinafter described: Right of fishery.

But nothing herein contained shall be held, nor shall the giving of any grant, lease, license or permission under this Act be held, to prevent the public from angling with a rod and line only in any fishery: Angling.

provided that such angling may, in any case, with the previous sanction of the Chief Commissioner, be forbidden by a proclamation issued by the Deputy Commissioner of the District in which such fishery is situate, for such time as may be fixed by such proclamation: Proviso.

And nothing herein contained shall prejudice or derogate from any express grant of a right to fish heretofore made by the British Government.

4. The Deputy Commissioner of any District may, subject to such rules, conditions and restrictions as may be prescribed by the Chief Commissioner in this behalf, dispose of the right of fishing in any fishery situate within his District, or specially placed under his charge by the Chief Commissioner, in any one of the following modes, that is to say, Disposal of right of fishery.

(*a*) he may declare such fishery open to the public, or to the inhabitants of any town or village, or to any other class of persons:

(*b*) he may lease the exclusive right of fishing in such fishery to any person; or

(*c*) he may, where he has not disposed of the right of fishing in any of the foregoing modes, grant licenses to any number of persons to use nets, traps and other implements for fishing in such fishery,

and (subject as aforesaid) he may declare that any fishery shall cease to be a fishery for the purposes of this Act.

All such declarations, leases and licenses made and granted by the British Government before this Act comes into operation and then in force shall be deemed to have been respectively made and granted under this section. Declarations made before 1st April 1875.

5. All fees, rents and other moneys due to Government in respect of any lease, license or permission granted under this Act, may be recovered in the manner prescribed by the law for the time being in force for the recovery of arrears of revenue. Recovery of fees, rents, &c.

III.—Erection of Weirs.

6. No weir or other fixed obstruction, and no fixed engine tending to hinder the movements of fish, or to interfere with the flow of the water, or to impede navigation, shall be erected, placed, maintained, or used in any fishery, or in waters connected with any fishery, by a grantee or lessee, or by any other person whomsoever, without a special permission in that behalf under the hand of the Deputy Commissioner of the District in which such fishery is situate. Weirs not to be erected without sanction of Deputy Commissioner.

IV.—Penalties.

7. Any person who commits any of the following offences, (namely)— Penalties.

(*a*) fishes in any fishery not having a right to fish therein,

(*b*) erects, places, maintains or uses any fixed obstruction or fixed engine in a fishery, or in waters connected therewith, without being specially permitted to do so under section six,

(*c*) puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery, any solid or liquid matter to such an extent as to poison or kill, or to cause the water to poison or kill, fish,

(*d*) interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish,

shall be punished, for a first offence, with imprisonment for a term not exceeding three months, or a fine not exceeding two hundred rupees, or both;

and, for a second offence, with imprisonment for a term not exceeding six months, or a fine not exceeding five hundred rupees, or both:

And any obstruction or engine erected, placed, maintained or used in contravention of section six, and any fish taken by means of such obstruction or engine, or otherwise in contravention of this Act, or of any rules made hereunder and for the time being in force, shall be forfeited: For future of obstructions.

And such obstruction or engine may be removed or taken possession of by the Deputy Commissioner or such person as he empowers in this behalf: Removal of obstructions.

And the expense (if any) of such removal may be recovered from the person erecting, placing, maintaining or using the obstruction or engine so removed, as if it was an arrear of revenue.

V.—Subsidiary Rules.

8. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules for all or any of the following purposes:— Power to make rules.

(*a*) for the survey and demarcation of the limits of fisheries;

(*b*) for determining in which of the modes mentioned in section four, the right to fish in each fishery shall be disposed of;

(*c*) for regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or granted or let on lease to individuals;

(*d*) for fixing the rates at which, and the conditions on which, licenses to use implements for fishing may be granted;

(*e*) for settling the terms and conditions on which permission to erect, place, maintain or use fixed obstructions and engines in fisheries or waters connected therewith may be granted;

(*f*) for making and maintaining free gaps in weirs;

and generally to carry out the purposes of this Act.

9. The Chief Commissioner may, with the like sanction, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both. Penalty for breach of rules.

10. All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law. Publication of rules.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and is hereby promulgated for general information:—

ACT No. VIII OF 1875.

THE INLAND CUSTOMS ACT, 1875.

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An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of inland customs-duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre, into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title.
Commencement.

1. This Act may be called "The Inland Customs Act, 1875:" and shall come into force on the passing thereof.

Local extent.

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder, extend to the whole of British India:

Power to extend Act.

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces;

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in

Council published in the *Gazette of India*, to any part of British India other than the said territories.

Repeal of enactments.

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

Interpretation-clause.

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

"the said territories" means the territories mentioned in the third clause of the first section:

"Collector." "Collector" means a Collector or Assistant Commissioner of Inland Customs, and includes any person invested by the Local Government with the powers of a Collector under this Act:

"Customs-officer." "Customs-officer" means any officer of Inland Customs, and includes any person invested by the Local Government with any of the powers of a customs-officer under this Act:

"Sugar." "Sugar" includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient:

"Saltpetre." "Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and *khárí-núń*, or Glauber's salt, and every form of sulphate or carbonate of soda; and

"Manufacture of salt." "Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

CHAPTER II.—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR.

Regulation of the import of salt, and export of sugar.

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act.

Power to levy duties.

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following:—

	Per maund of three thousand two hundred tolas.
(*a*). On salt imported into the said territories	Three rupees,
(*b*). On refined sugar exported from the said territories ...	One rupee,
(*c*). On unrefined sugar exported from the said territories ...	Six annas;

and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds.

The Governor General in Council may from time to time reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar.

Power to define a customs-zone and establish a customs-line.

6. In order to facilitate the collection of duties imposed under section five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient,

and may extend such zone so as to include any portion of a railway or canal or navigable river entering the same and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone,

and may within such zone establish a chain of customs-posts extending along such zone.

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870.

"Customs-zone." "Customs-line." A zone of country defined, and a chain of customs-posts established, under this section, are hereinafter termed respectively a "customs-zone" and a "customs-line."

Effect of establishing a customs-zone and line.

7. When a customs-zone has been defined and a customs-line established under section six along any portion of the frontier of the said territories, the following results shall ensue (namely)—

Salt when imported. (*a*) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before:

Sugar when exported. (*b*) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before:

Possession of salt within customs-zone. (*c*) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone.

Traffic crossing customs-line. (*d*) the Governor General in Council may, by notification or by the erection of a barrier or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine,

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line.

Levy of salt-duty in Central Provinces.

8. The Governor General in Council may by rule direct that the duty leviable under section five, clause (*a*), shall be levied by way of a mileage-rate on—

(*a*) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(*b*) salt which, having been so imported, is afterwards moved from one place to another:

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied.

Power to regulate collection of duties and import and export of goods.

9. The Governor General in Council may by rule prescribe the manner, time, and place in and at which, and the persons by whom, the duties leviable under this Chapter shall be collected and the dutiable goods be permitted to be imported and exported.

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs-officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

Power of Governor General in Council

10. The Governor General in Council may from time to time by rule—

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories;

to regulate manufacture and refining of salt and saltpetre;

(*b*) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned:—

to fix fees for licenses;

	Rs.
License to manufacture saltpetre ...	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture *khárí-núm* ...	25
License to manufacture other saline substances	2;

(*c*) impose a duty not exceeding three rupees per maund of three thousand two hundred tolahs on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the persons by whom, such duty shall be collected;

to impose a duty on manufacture of salt;

to reduce or remit duties;

(*d*) reduce or remit any duty so imposed;

(*e*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of saltpetre-manufactories;

(*f*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

to regulate possession of salt in vicinity of places where salt is manufactured.

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

Penalty for contravention of Act or rules.

11. Whoever commits any of the following offences—

(*a*) does anything in contravention of this Act or of any rule made hereunder;

(*b*) evades payment of any duty or charge payable under this Act or any such rule; or

(*c*) attempts to commit or abets within the meaning of the Indian Penal Code the commission of any of the offences mentioned in clauses (*a*) and (*b*) of this section,

shall for every such offence be punishable with a fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both,

and the convicting Magistrate, on the application of the Collector or customs-officer, may declare to be confiscated all works, materials, and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

Punishment on second and subsequent convictions.

12. Any person convicted of an offence under section eleven, after having been previously convicted of an offence under that section or any enactment hereby repealed,

shall be punished with imprisonment which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section eleven,

and every such person shall, upon every subsequent conviction of an offence under section eleven, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

Charge to be preferred by customs-officer.

13. A charge of an offence under section eleven shall not be entertained except on the complaint of the Collector or other customs-officer not inferior in rank to a Sub-Assistant Patrol,

and no such complaint shall be admitted unless it be preferred within six months after the commission of the offence to which it refers.

Limitation of time for complaint.

An offence under section eleven shall be tried by a magistrate exercising powers not less than those of a magistrate of the second class.

Jurisdiction.

Confiscation of articles in respect of which offence committed.

14. All salt, sugar, or saltpetre in respect of which any offence mentioned in section eleven has been committed, together with the vessels, packages, or coverings in which such salt, sugar, or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

When the article seized exceeds five sers in weight, the Commissioner of the Division may,

if satisfied on the report of any customs-officer, or on such enquiry as he deems fit to make, that such offence has been committed, declare such article to be confiscated, or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the quantity seized does not exceed five sers, the Collector shall possess the same powers in regard to its disposal which by this section are conferred on Commissioners of Division in regard to quantities exceeding five sers, and may also confiscate the vessel, package or covering in which such article is contained.

Whenever a Commissioner of Division declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as a penalty.

15. The Governor General in Council may from time to time by rule direct that any customs-officer not inferior in rank to a Sub-Assistant Patrol, if satisfied in such manner as such rule may prescribe that any offence mentioned or referred to in section eleven has been committed in respect of any dutiable article, shall, instead of preferring a complaint before a magistrate or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such article not exceeding the duty paid or leviable thereon under chapter II of this Act.

The imposition of every such penalty shall be at once reported, if the article in respect of which the offence has been committed exceeds five sers, to the Commissioner of Division, and if such article does not exceed five sers, to the Collector,

and shall require the sanction of the Commissioner or Collector to whom it is so reported.

Punishment for connivance at offences mentioned in section 11.

16. All zamíndárs and other proprietors of land or their agents, who wilfully connive at any offence mentioned or referred to in section eleven, shall for every such offence be punishable by any magistrate exercising powers not less than those of a magistrate of the second class, with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both.

CHAPTER V.—OF THE POWERS OF STOPPAGE, SEIZURE, SEARCH AND ARREST.

Power to detain suspected person and to seize goods liable to confiscation.

17. Any customs-officer may stop and detain any person whom he has reasonable ground to suspect of being liable to punishment under this Act;

and may seize any salt or sugar in respect of which there is reasonable ground to believe that any offence mentioned or referred to in section eleven has been committed or that any duty is payable, together with the vessels, packages or coverings in which such salt or sugar is contained, and the animals and conveyances used in carrying it.

Power to arrest.

18. Any customs-officer may arrest any person whom he has reasonable ground to suspect of having committed any such offence as last aforesaid.

Power to enter and search place of illicit manufacture.

19. Whenever any customs-officer not inferior in rank to a Sub-Assistant Patrol, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored,

such officer shall first record in writing (so far as may be practicable), (*a*) the name, residence and calling of the informant (if any), (*b*) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (*c*) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined, or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and may also arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed in the Code of Criminal Procedure, section 384.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Failure of police-officer to attend.

20. Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

Report of arrest, seizure or search.

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Collector.

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

And every officer of police attending any search made under section nineteen shall report the same to his official superior.

Procedure in respect of articles seized.

22. Whenever the Collector is informed of the seizure of any article exceeding five sers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen.

If the quantity seized does not exceed five sers, he may dispose of the case himself under the said section.

Procedure on detainer of article subject to additional duty.

23. Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section:

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released.

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has been made by the Collector) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs.

Procedure in respect of person arrested.

24. Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one), either send, with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers of police and land-revenue to assist customs-officers.

25. All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act.

Vexatious search, seizure, &c., by customs-officer.

26. Any customs-officer who,

(*a*) without reasonable ground of suspicion, searches or causes to be searched any house, boat or place;

(*b*) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(*c*) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees.

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both.

Power to regulate seizures and disposal of things seized.

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act.

Such rules may among other matters provide—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale:

(*b*) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale:

(*c*) that the surplus-proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.—MISCELLANEOUS.

Power to prohibit import, export, and transit of salt or sugar.

28. The Governor General in Council may, from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, from or into any other of the said territories, or the Lower Provinces of the Presidency of Fort William.

Further matters for which Governor General may make rules.

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules to regulate the following matters, namely:

(*a*) the persons by whom, and the time, place and manner at or in which anything to be done under this Act shall be done;

(*b*) the cases in which, and the officers to whom, and the conditions subject to which, orders given by customs-officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

30. All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power of Local Government to confer powers of Collector and customs-officers.

31. Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council, the Local Government may invest any person with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

Saving of existing duties on salt and sugar.

32. All duties now leviable on salt or sugar imported into or exported from, or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act.

Existing rules.

33. All rules now in force which might have been made under this Act if it had been in force, shall be deemed to have been issued hereunder, and

Existing customs-line.

the existing customs-line shall be deemed to have been defined and protected hereunder.

SCHEDULE.

A.—Acts.

Number and Year.	Title.	Extent of repeal.
XIV of 1843	An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XXXVI of 1855.	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.

SCHEDULE—*(continued)*.

A.—Acts—(continued).

Number and Year.	Title.	Extent of repeal.
I of 1860 ...	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	So much as has not been repealed.
XXXI of 1861	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
XIX of 1862	An Act to extend to the Province of Oude certain provisions of Acts XIV of 1843 and XXXVI of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act.	The whole.
VII of 1864	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed.
XXXIII of 1867.	An Act to amend Act No. XXXI of 1861.	The whole.
XXV of 1869	An Act to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.	The whole.
XXV of 1872	An Act to give the force of law to certain Rules relating to Salt in the Panjáb.	The whole.
X of 1874 ...	An Act to amend the Law relating to Salt.	Sections three and four.
XV of 1874...	Laws Local Extent Act ...	So far as it relates to Bengal Regulation I of 1833.

B.—Bengal Regulations.

Number and Year.	Title.	Extent of repeal.
XX of 1817	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police; for modifying the existing Rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Munduls and other Heads of Villages.	Section twenty-nine, clauses *fifth*, *sixth*, *seventh*, and *eighth*.

SCHEDULE—*(concluded)*.

B.—Bengal Regulations—(concluded).

Number and Year.	Title.	Extent of repeal.
X of 1819 ...	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt.	So much as has not been repealed.
X of 1826 ...	A Regulation for removing Doubts as to the Application of Section L. Regulation X. 1819, to the District of Goruckpore: for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of Government: and for providing for the Retail Sale of Salt by Government Officers in certain Cases.	So much as has not been repealed.
IV of 1832...	A Regulation for declaring and explaining the Meaning and Intention of section XLI. Regulation X. 1819.	The whole.
I of 1833 ...	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the territories to which the Revenue Jurisdiction of that Board extends.	The whole.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and is hereby promulgated for general information:—

ACT No. IX OF 1875.

An Act to amend the Law respecting the age of majority.

Preamble.

WHEREAS, in the case of persons domiciled in British India, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Majority Act, 1875:"

Local extent. Commencement and operation.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty;

and it shall come into force and have effect only on the expiration of three months from the passing thereof.

2. Nothing herein contained shall affect—

(*a*) the capacity of any person to act in the following matters (namely),—Marriage, Dower, Divorce, and Adoption;

(*b*) the religion or religious rites and usages of any class of Her Majesty's subjects in India, or

(*c*) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

Age of majority of persons domiciled in British India.

3. Subject as aforesaid, every minor of whose person or property a guardian has been or shall be appointed by any Court of Justice, and every minor under the jurisdiction of any Court of Wards, shall, notwithstanding anything contained in the Indian Succession Act (No. X of 1865) or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before:

Subject as aforesaid, every other person domiciled in British India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

Age of majority how computed.

4. In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section three, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section three, at the beginning of the eighteenth anniversary of that day.

Illustrations.

(*a.*) Z is born in British India on the first day of January, 1850, and has a British Indian domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January, 1871.

(*b.*) Z is born in British India on the twenty-ninth day of February, 1852, and has a British Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February, 1873.

(*c.*) Z is born on the first day of January, 1850. He acquires a domicile in British India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January, 1868.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 13, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and is hereby promulgated for general information:—

ACT No. VI OF 1875.

An Act to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

Preamble. Patent of Baronetcy.

WHEREAS by Letters Patent of Her Majesty dated the sixth day of August, 1858, and by Warrant under the Queen's sign-manual, Her said Majesty conferred upon Sir Jamsetjee Jeejeebhoy, then of Bombay, Knight, but since deceased, the dignity of Baronet, to hold the same to him and the heirs male of his body:

Trustees under Act XX of 1860.

And whereas by an Act of the Legislative Council of India numbered XX of 1860, and entitled "An Act for settling Promissory Notes of the Government of India producing an annual income of one lákh of Rupees and a Mansion-house and hereditaments called 'Mazagon Castle,' in the Island of Bombay, late the property of Sir Jamsetjee Jeejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith," certain officers therein mentioned were constituted Trustees for executing the powers and purposes of such Act:

Government Promissory Notes producing an annual income of one lákh vested in Trustees.

And it was thereby enacted that, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees should be transferred into the names of the said Trustees upon trust, amongst other things, from time to time to pay and apply the annual income of the said securities unto and for the benefit of the present Baronet, Sir Jamsetjee Jeejeebhoy, and the person who, as heir male of the body of the said first Baronet, should, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, and in default of heirs male of the body of the said first Baronet to whom the same dignity of Baronet might descend, upon trust for the present Baronet, his executors, administrators and assigns:

Trusts of the income.

Alienation prohibited during the Baronetcy.

And it was by the said Act further enacted that, subject as therein mentioned, so long as the said dignity of Baronet should endure, and until there should be a failure of heirs male of the body of the said first Baronet to whom the said dignity might descend, neither the said present Baronet nor any of the heirs male of the body of the said first Baronet in whose favour trusts were thereinbefore declared of the annual income of the said securities, should convey, charge, or encumber the said securities, or any part thereof, the annual income thereof, or of any part thereof, for any greater or larger estate or interest than during his natural life, and for such portion thereof only as he should continue to use the names of "Jamsetjee Jeejeebhoy," nor should have any power to discontinue or bar the

estate of any person or persons for whose benefit trusts were declared by the said Act of the annual income of the said securities, or to prevent any such person or persons from succeeding to the same; nor should the same be held to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he should continue to use the names of "Jamsetjee Jeejeebhoy;" and every attempt to make any assurance contrary to the intention of the said Act was thereby declared to be void:

And whereas, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lákh of rupees were transferred into the names of the said trustees upon the trusts aforesaid:

And whereas, since the said transfer, part of the said promissory notes, producing an annual income of five thousand rupees, has been paid off by the Government of India; and the annual income of the promissory notes vested in the said trustees upon the trusts aforesaid was thereby reduced to ninety-five thousand rupees:

And whereas the said present Baronet has three sons only (namely), Manakjee Cursetjee Jamsetjee, Cowasjee Cursetjee Jamsetjee, and Jamsetjee Cursetjee Jamsetjee who is a minor:

And whereas the said present Baronet recently applied to the Government of India to advance and lend to him the sum of four and a half lákhs of rupees, to be applied to purposes beneficial to himself and his said sons, which the Government of India agreed to do upon having the repayment thereof with interest secured in manner hereinafter mentioned:

Agreement for loan.

And whereas, in pursuance of the said agreement, the sum of four and a half lákhs of rupees has been advanced and lent to the said present Baronet:

Advance of loan.

And whereas the said Manakjee Cursetjee Jamsetjee and Cowasjee Cursetjee Jamsetjee by themselves, and the said Jamsetjee Cursetjee Jamsetjee by his guardian, have agreed to the arrangement intended to be effected by this Act;—

Concurrence of present Baronet's sons.

It is hereby enacted as follows:—

1. In consideration of the premises, and notwithstanding anything contained in the said recited Act, the Government of India shall withhold out of said sum of ninety-five thousand rupees, being the interest on the said promissory notes now vested in the said trustees, the annual sum of forty thousand rupees during the term of seventeen years from the date of the passing of this Act, unless the said sum of four and a half lákhs of rupees with interest thereon at five per cent. per annum has been sooner discharged.

Withholding interest on notes in discharge of loan.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and is hereby promulgated for general information:—

ACT No. VII OF 1875.

An Act to regulate Fisheries in British Burma.

WHEREAS the exclusive right of fishing in British Burma in such fisheries as are hereinafter mentioned belongs by the custom of the country to the Government:

Preamble.

And whereas it is expedient to provide for the protection of this right, and for conceding the enjoyment of it to the public or to individuals gratuitously, or in consideration of fees or rent, and subject to suitable restrictions and conditions;

It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Burma Fisheries Act, 1875:"

Short title.

It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma;

Local extent.

And it shall come into operation on the first day of April 1875.

Commencement.

2. In this Act—

Interpretation-clause.

"Fish" includes also shell-fish:

"Fish."

"Fishery" means any collection of water, running or still, tidal or non-tidal, which is itself of a permanent nature, or is connected with some waters of a permanent nature, and in which fish or turtle may be found. It includes the sea:

"Fishery."

"To fish" includes to catch turtle or collect their eggs; and

"To fish."

"Fixed engine" means any fixed implement or engine for catching or for facilitating the catching of fish, and includes a net secured by anchors, or otherwise temporarily fixed to the soil.

"Fixed engine."

II.—Rights of Fishery.

3. No right to fish in any fishery shall be deemed to have been acquired by the public or by any person, either previously to the passing of this Act or subsequently thereto, except in one of the modes hereinafter described:

Right of fishery.

But nothing herein contained shall be held, nor shall the giving of any grant, lease, license or permission under this Act be held, to prevent the public from angling with a rod and line only in any fishery:

Angling.

provided that such angling may, in any case, with the previous sanction of the Chief Commissioner, be forbidden by a proclamation issued by the Deputy Commissioner of the District in which such fishery is situate, for such time as may be fixed by such proclamation:

Proviso.

And nothing herein contained shall prejudice or derogate from any express grant of a right to fish heretofore made by the British Government.

4. The Deputy Commissioner of any District may, subject to such rules, conditions and restrictions as may be prescribed by the Chief Commissioner in this behalf, dispose of the right of fishing in any fishery situate within his District, or specially placed under his charge by the Chief Commissioner, in any one of the following modes, that is to say,

Disposal of right of fishery.

(*a*) he may declare such fishery open to the public, or to the inhabitants of any town or village, or to any other class of persons:

(*b*) he may lease the exclusive right of fishing in such fishery to any person; or

(*c*) he may, where he has not disposed of the right of fishing in any of the foregoing modes, grant licenses to any number of persons to use nets, traps and other implements for fishing in such fishery,

and (subject as aforesaid) he may declare that any fishery shall cease to be a fishery for the purposes of this Act.

All such declarations, leases and licenses made and granted by the British Government before this Act comes into operation and then in force shall be deemed to have been respectively made and granted under this section.

Declarations made before 1st April 1875.

5. All fees, rents and other moneys due to Government in respect of any lease, license or permission granted under this Act, may be recovered in the manner prescribed by the law for the time being in force for the recovery of arrears of revenue.

Recovery of fees, rents, &c.

III.—Erection of Weirs.

6. No weir or other fixed obstruction, and no fixed engine tending to hinder the movements of fish, or to interfere with the flow of the water, or to impede navigation, shall be erected, placed, maintained, or used in any fishery, or in waters connected with any fishery, by a grantee or lessee, or by any other person whomsoever, without a special permission in that behalf under the hand of the Deputy Commissioner of the District in which such fishery is situate.

Weirs not to be erected without sanction of Deputy Commissioner.

IV.—Penalties.

7. Any person who commits any of the following offences, (namely)—

Penalties.

(*a*) fishes in any fishery not having a right to fish therein,

(*b*) erects, places, maintains or uses any fixed obstruction or fixed engine in a fishery, or in waters connected therewith, without being specially permitted to do so under section six,

(*c*) puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery any solid or liquid matter to such an extent as to poison or kill, or to cause the water to poison or kill, fish,

(*d*) interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish,

shall be punished, for a first offence, with imprisonment for a term not exceeding three months, or a fine not exceeding two hundred rupees, or both;

and, for a second offence, with imprisonment for a term not exceeding six months, or a fine not exceeding five hundred rupees, or both:

And any obstruction or engine erected, placed, maintained or used in contravention of section six, and any fish taken by means of such obstruction or engine, or otherwise in contravention of this Act, or of any rules made hereunder and for the time being in force, shall be forfeited:

Forfeiture of obstructions.

And such obstruction or engine may be removed or taken possession of by the Deputy Commissioner or such person as he empowers in this behalf:

Removal of obstructions.

And the expense (if any) of such removal may be recovered from the person erecting, placing, maintaining or using the obstruction or engine so removed, as if it was an arrear of revenue.

V.—Subsidiary Rules.

8. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules for all or any of the following purposes:—

Power to make rules.

(*a*) for the survey and demarcation of the limits of fisheries;

(*b*) for determining in which of the modes mentioned in section four, the right to fish in each fishery shall be disposed of;

(*c*) for regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or granted or let on lease to individuals;

(*d*) for fixing the rates at which, and the conditions on which, licenses to use implements for fishing may be granted;

(*e*) for settling the terms and conditions on which permission to erect, place, maintain or use fixed obstructions and engines in fisheries or waters connected therewith may be granted;

(*f*) for making and maintaining free gaps in weirs;

and generally to carry out the purposes of this Act.

9. The Chief Commissioner may, with the like sanction, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Penalty for breach of rules.

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

Publication of rules.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and is hereby promulgated for general information:—

ACT No. VIII OF 1875.

THE INLAND CUSTOMS ACT, 1875.

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An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of inland customs-duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre, into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces; It is hereby enacted as follows:— Preamble.

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Inland Customs Act, 1875:" and shall come into force on the passing thereof. Short title. Commencement.

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder, extend to the whole of British India: Local extent.

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces;

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Power to extend Act.

Council published in the *Gazette of India*, to any part of British India other than the said territories.

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

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

"the said territories" means the territories mentioned in the third clause of the first section:

"Collector" means a Collector or Assistant Commissioner of Inland Customs, and includes any person invested by the Local Government with the powers of a Collector under this Act: "Collector."

"Customs-officer" means any officer of Inland Customs, and includes any person invested by the Local Government with any of the powers of a customs-officer under this Act: "Customs-officer."

"Sugar" includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient: "Sugar."

"Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and *khár-núm*, or Glauber's salt, and every form of sulphate or carbonate of soda; and "Saltpetre."

"Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence. "Manufacture of salt."

CHAPTER II.—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR.

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act. Regulation of the import of salt, and export of sugar.

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following:— Power to levy duties.

		Per maund of three thousand two hundred tolas.
(*a*).	On salt imported into the said territories	Three rupees,
(*b*).	On refined sugar exported from the said territories ...	One rupee,
(*c*).	On unrefined sugar exported from the said territories ...	Six annas;

and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds.

The Governor General in Council may from time to time reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar.

6. In order to facilitate the collection of duties imposed under section five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient, Power to define a customs-zone and establish a customs-line.

and may extend such zone so as to include any portion of a railway or canal or navigable river entering the same and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone,

and may within such zone establish a chain of customs-posts extending along such zone.

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870.

A zone of country defined, and a chain of customs-posts established, under this section, are hereinafter termed respectively a "customs-zone" and a "customs-line." "Customs-zone." "Customs-line."

7. When a customs-zone has been defined and a customs-line established under section six along any portion of the frontier of the said territories, the following results shall ensue (namely)— Effect of establishing a customs-zone and line.

(*a*) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before: Salt when imported.

(*b*) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before: Sugar when exported.

(*c*) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone. Possession of salt within customs-zone.

(*d*) the Governor General in Council may, by notification or by the erection of a barrier or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine, Traffic crossing customs-line.

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line.

8. The Governor General in Council may by rule direct that the duty leviable under section five, clause (*a*), shall be levied by way of a mileage-rate on— Levy of salt-duty in Central Provinces.

(*a*) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(*b*) salt which, having been so imported, is afterwards moved from one place to another:

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied.

Power to regulate collection of duties and import and export of goods.

9. The Governor General in Council may by rule prescribe the manner, time, and place in and at which, and the persons by whom, the duties leviable under this Chapter shall be collected and the dutiable goods be permitted to be imported and exported.

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs-officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

Power of Governor General in Council

10. The Governor General in Council may from time to time by rule—

to regulate manufacture and refining of salt and saltpetre;

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories;

to fix fees for licenses;

(*b*) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned:—

	Rs.
License to manufacture saltpetre ...	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture *khárí-nún* ...	25
License to manufacture other saline substances	2;

to impose a duty on manufacture of salt;

(*c*) impose a duty not exceeding three rupees per maund of three thousand two hundred tolahs on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the persons by whom, such duty shall be collected;

to reduce or remit duties;

(*d*) reduce or remit any duty so imposed;

to regulate possession of salt in vicinity of saltpetre-manufactories;

(*e*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(*f*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

Penalty for contravention of Act or rules.

11. Whoever commits any of the following offences—

(*a*) does anything in contravention of this Act or of any rule made hereunder;

(*b*) evades payment of any duty or charge payable under this Act or any such rule; or

(*c*) attempts to commit or abets within the meaning of the Indian Penal Code the commission of any of the offences mentioned in clauses (*a*) and (*b*) of this section,

shall for every such offence be punishable with a fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both,

and the convicting Magistrate, on the application of the Collector or customs-officer, may declare to be confiscated all works, materials, and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

Punishment on second and subsequent convictions.

12. Any person convicted of an offence under section eleven, after having been previously convicted of an offence under that section or any enactment hereby repealed,

shall be punished with imprisonment which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section eleven,

and every such person shall, upon every subsequent conviction of an offence under section eleven, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

Charge to be preferred by customs-officer.

13. A charge of an offence under section eleven shall not be entertained except on the complaint of the Collector or other customs-officer not inferior in rank to a Sub-Assistant Patrol,

Limitation of time for complaint.

and no such complaint shall be admitted unless it be preferred within six months after the commission of the offence to which it refers.

Jurisdiction.

An offence under section eleven shall be tried by a magistrate exercising powers not less than those of a magistrate of the second class.

Confiscation of articles in respect of which offence committed.

14. All salt, sugar, or saltpetre in respect of which any offence mentioned in section eleven has been committed, together with the vessels, packages, or coverings in which such salt, sugar, or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

When the article seized exceeds five sers in weight, the Commissioner of the Division may,

if satisfied on the report of any customs-officer, or on such enquiry as he deems fit to make, that such offence has been committed, declare such article to be confiscated, or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the quantity seized does not exceed five sers, the Collector shall possess the same powers in regard to its disposal which by this section are conferred on Commissioners of Division in regard to quantities exceeding five sers, and may also confiscate the vessel, package or covering in which such article is contained.

Whenever a Commissioner of Division declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

Power to levy additional duty as a penalty.

15. The Governor General in Council may from time to time by rule direct that any customs-officer not inferior in rank to a Sub-Assistant Patrol, if satisfied in such manner as such rule may prescribe that any offence mentioned or referred to in section eleven has been committed in respect of any dutiable article, shall, instead of preferring a complaint before a magistrate or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such article not exceeding the duty paid or leviable thereon under chapter II of this Act.

The imposition of every such penalty shall be at once reported, if the article in respect of which the offence has been committed exceeds five sers, to the Commissioner of Division, and if such article does not exceed five sers, to the Collector,

and shall require the sanction of the Commissioner or Collector to whom it is so reported.

Punishment for connivance at offences mentioned in section 11.

16. All zamíndárs and other proprietors of land or their agents, who wilfully connive at any offence mentioned or referred to in section eleven, shall for every such offence be punishable by any magistrate exercising powers not less than those of a magistrate of the second class, with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both.

CHAPTER V.—OF THE POWERS OF STOPPAGE, SEIZURE, SEARCH AND ARREST.

Power to detain suspected person and to seize goods liable to confiscation.

17. Any customs-officer may stop and detain any person whom he has reasonable ground to suspect of being liable to punishment under this Act;

and may seize any salt or sugar in respect of which there is reasonable ground to believe that any offence mentioned or referred to in section eleven has been committed or that any duty is payable, together with the vessels, packages or coverings in which such salt or sugar is contained, and the animals and conveyances used in carrying it.

Power to arrest.

18. Any customs-officer may arrest any person whom he has reasonable ground to suspect of having committed any such offence as last aforesaid.

Power to enter and search place of illicit manufacture.

19. Whenever any customs-officer not inferior in rank to a Sub-Assistant Patrol, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored,

such officer shall first record in writing (so far as may be practicable), (*a*) the name, residence and calling of the informant (if any), (*b*) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (*c*) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined, or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and may also arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed in the Code of Criminal Procedure, section 384.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

Failure of police-officer to attend.

20. Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

Report of arrest, seizure or search.

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Collector.

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

And every officer of police attending any search made under section nineteen shall report the same to his official superior.

Procedure in respect of articles seized.

22. Whenever the Collector is informed of the seizure of any article exceeding five sers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen.

If the quantity seized does not exceed five sers, he may dispose of the case himself under the said section.

Procedure on detainer of article subject to additional duty.

23. Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section:

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released.

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has been made by the Collector) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs.

Procedure in respect of person arrested.

24. Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one), either send, with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Officers of police and land-revenue to assist customs-officers.

25. All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act.

Vexatious search, seizure, &c., by customs-officer.

26. Any customs-officer who,

(*a*) without reasonable ground of suspicion, searches or causes to be searched any house, boat or place;

(*b*) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(*c*) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees.

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both.

Power to regulate seizures and disposal of things seized.

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act.

Such rules may among other matters provide—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale:

(*b*) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale:

(*c*) that the surplus proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.—MISCELLANEOUS.

Power to prohibit import, export, and transit of salt or sugar.

28. The Governor General in Council may, from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, from or into any other of the said territories, or the Lower Provinces of the Presidency of Fort William.

Further matters for which Governor General may make rules.

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules to regulate the following matters, namely:

(*a*) the persons by whom, and the time, place and manner at or in which anything to be done under this Act shall be done;

(*b*) the cases in which, and the officers to whom, and the conditions subject to which, orders given by customs-officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

30. All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power of Local Government to confer powers of Collector and customs-officers.

31. Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council, the Local Government may invest any person with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

Saving of existing duties on salt and sugar.

32. All duties now leviable on salt or sugar imported into or exported from, or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act.

Existing rules.

33. All rules now in force which might have been made under this Act if it had been in force, shall be deemed to have been issued hereunder, and

Existing customs-line.

the existing customs-line shall be deemed to have been defined and protected hereunder.

SCHEDULE.

A.—Acts.

Number and Year.	Title.	Extent of repeal.
XIV of 1843	An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XXXVI of 1855.	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.

SCHEDULE—*(continued)*.

A.—Acts—(continued).

Number and Year.	Title.	Extent of repeal.
1 of 1860 ...	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	So much as has not been repealed.
XXXI of 1861	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
XIX of 1862	An Act to extend to the Province of Oude certain provisions of Acts XIV of 1843 and XXXVI of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act.	The whole.
VII of 1864	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed.
XXXIII of 1867.	An Act to amend Act No. XXXI of 1861.	The whole.
XXV of 1869	An Act to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.	The whole.
XXV of 1872	An Act to give the force of law to certain Rules relating to Salt in the Panjáb.	The whole.
X of 1874 ...	An Act to amend the Law relating to Salt.	Sections three and four.
XV of 1874...	Laws Local Extent Act ...	So far as it relates to Bengal Regulation I of 1833.

B.—Bengal Regulations.

Number and Year.	Title.	Extent of repeal.
XX of 1817	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police; for modifying the existing Rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Mundals and other Heads of Villages.	Section twenty-nine, clauses *fifth*, *sixth*, *seventh*, and *eighth*.

SCHEDULE—*(concluded)*.

B.—Bengal Regulations—(concluded).

Number and Year.	Title.	Extent of repeal.
X of 1819 ...	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt.	So much as has not been repealed.
X of 1826 ...	A Regulation for removing Doubts as to the Application of Section L. Regulation X. 1819, to the District of Goruckpore: for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of Government: and for providing for the Retail Sale of Salt by Government Officers in certain Cases.	So much as has not been repealed.
IV of 1832...	A Regulation for declaring and explaining the Meaning and Intention of section XLI. Regulation X. 1819.	The whole.
I of 1833 ...	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the territories to which the Revenue Jurisdiction of that Board extends.	The whole.

WHITLEY STOKES,

Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and is hereby promulgated for general information:—

ACT No. IX OF 1875.

An Act to amend the Law respecting the age of majority.

WHEREAS, in the case of persons domiciled in British India, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Indian Majority Act, 1875:" Short title.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty; Local extent.

and it shall come into force and have effect only on the expiration of three months from the passing thereof. Commencement and operation.

2. Nothing herein contained shall affect—

(*a*) the capacity of any person to act in the following matters (namely),—Marriage, Dower, Divorce, and Adoption;

(*b*) the religion or religious rites and usages of any class of Her Majesty's subjects in India, or

(*c*) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

3. Subject as aforesaid, every minor of whose person or property a guardian has been or shall be appointed by any Court of Justice, and every minor under the jurisdiction of any Court of Wards, shall, notwithstanding anything contained in the Indian Succession Act (No. X of 1865) or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before: Age of majority of persons domiciled in British India.

Subject as aforesaid, every other person domiciled in British India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

4. In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section three, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section three, at the beginning of the eighteenth anniversary of that day. Age of majority how computed.

Illustrations.

(*a.*) Z is born in British India on the first day of January, 1850, and has a British Indian domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January, 1871.

(*b.*) Z is born in British India on the twenty-ninth day of February, 1852, and has a British Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February, 1873.

(*c.*) Z is born on the first day of January, 1850. He acquires a domicile in British India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January, 1868.

WHITLEY STOKES,

Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1875, and is hereby promulgated for general information:—

ACT No. X OF 1875.

THE HIGH COURTS' CRIMINAL PROCEDURE ACT, 1875.

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THE SCHEDULE.—Enactments repealed.

An Act to regulate the Procedure of the High Courts in the exercise of their original criminal jurisdiction.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the procedure of the High Courts in the exercise of their original criminal jurisdiction; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title. This Act may be called "The High Courts' Criminal Procedure Act, 1875:"

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force on the first day of May 1875.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule, but not so as to revive any practice thereby abolished.

Repeal of enactments.

And all rules made under any of the said enactments shall be deemed to have been made under this Act, so far as they are consistent herewith.

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

Interpretation-clause.

"High Court" includes all High Courts established or to be established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the Chief Court of the Panjáb, and such other Courts as the Governor-General in Council may, from time to time, declare to be invested with the powers of a High Court under this Act:

"High Court."

"Chief Justice" includes also the Senior Judge of a Chief Court:

"Chief Justice."

"Advocate General" includes also a Government Advocate:

"Advocate General."

"Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Act to the Clerk of the Crown; and

"Clerk of the Crown."

"Magistrate" includes also a Police Magistrate in the Towns of Calcutta, Madras and Bombay:

"Magistrate."

"European British Subject" means—

"European British Subject."

(*a*) all subjects of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian colonies or possessions of Her Majesty, or in the colonies of New Zealand, the Cape of Good Hope and Natal;

(*b*) the children and grandchildren of any such person by legitimate descent:

"Prosecutor" includes every person conducting a prosecution on behalf of Her Majesty:

"Prosecutor."

"Offence" denotes anything made punishable by any law for the time being in force; and

"Offence."

words which refer to acts done extend also to illegal omissions.

CHAPTER II.

OF SESSIONS.

4. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Time of holding sittings.

5. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor-General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct. But it may, from time to time,

Place of holding sittings.

in the case of the High Court at Fort William, with the consent of the Governor-General in Council,

in all other cases, with the consent of the Local Government,

hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

Notice of sittings.

CHAPTER III.

OF PROCEDURE ON COMMITMENTS.

6. The provisions of this Act shall apply to all criminal cases triable by the High Court.

Cases tried by High Courts to be tried under this Act.

7. When any person is committed for trial before a High Court, the Clerk of the Crown, or, if there be not a Clerk of the Crown, a Judge of the High Court, shall, on receipt of the charge, peruse and consider it, and may, if it appear necessary or expedient so to do, alter or redraw the same, having regard to the rules as to the form of charges contained in the Code of Criminal Procedure.

Consideration and amendment of charge.

8. If a prisoner is committed to the Court without any charge at all, the Clerk of the Crown, or, if there be not a Clerk of the Crown, a Judge of the High Court, may draw up a charge, having regard to the rules referred to in section seven. If a prisoner is committed upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court may draw up a charge for any offence or offences which it considers to be proved by the evidence taken before the committing Magistrate.

How Court may deal with charge.

9. Any accused person may apply to the Court for an amendment of the charge made against him; and in considering whether any error in a charge did in fact mislead the accused person, the Court shall take into account the fact that he did or did not make such an application.

Prisoner may apply for amendment.

10. The Court may, upon the application of the accused person, or of the prosecutor, or upon its own motion, amend or alter any charge at any stage of the proceedings before the verdict of the jury is delivered. Such amendment shall be explained to the accused person.

Court may amend charge.

11. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making such amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When trial may proceed immediately after amendment.

12. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to

When new trial may be directed or trial suspended.

enable the accused person to make his defence to the amended or altered charge; and, after hearing his defence, the Court may, if it thinks fit, further adjourn the trial, to admit of the appearance of any witness whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

13. The charge, with such alterations (if any) as may have been made therein, shall be recorded in the High Court and a copy of such charge shall be given to the person gratis, if he demands it.

Charge to be recorded.

Copy of charge.

The person charged shall also be entitled to a copy of his own examination before the committing Magistrate, and to copies of the examinations of witnesses upon whose depositions he has been committed, and of all documents read and made exhibits as part of such depositions by the committing Magistrate, if the person charged demands them a reasonable time before the case comes on for trial and pays for the same a reasonable sum not exceeding one anna for each folio of ninety words.

Copies of depositions.

The Court may for any special reason remit any such payment.

14. When any charge, or portion of a charge, recorded as aforesaid appears to a Judge of the High Court, at any time before the commencement of the trial of the person charged, to be clearly unsustainable, such Judge may make on the charge an entry to that effect.

Entry on unsustainable charge.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge (as the case may be), but shall not operate as an acquittal of the person charged.

15. In all cases of amendment or alteration of a charge during the trial, the prosecutor and accused person shall be allowed to recall and examine any witness who may have been examined.

Prosecutor and accused person may recall witnesses.

16. If the offence stated in the amended or altered charge be one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained; unless sanction has been already obtained for a prosecution on the same facts as those on which the amended or altered charge was founded.

Previous sanction to be obtained if offence in amended charge requires it.

Joinder of Charges.

17. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases hereinafter excepted.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

18. When a person is accused of more offences than one of the same kind, committed within one year of each other, he may be charged and tried at the same time for any number of them not exceeding three.

More offences than one of same kind may be charged within a year of each other.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section twenty.

19. I. If in one series of acts, so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

Trial of more than one offence.

II. If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being, by which offences are defined or punished, the person accused of them may be charged with each of the offences so committed; but he must not receive a more severe punishment than could be awarded for any of such offences.

One offence falling within two definitions.

III. If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with every offence, or any of the different offences, which he may have committed; but he must not receive for such offences, collectively, a punishment more severe than that which might have been awarded for any one of such offences.

Acts severally constituting more than one offence, but collectively coming within one definition.

Illustrations.

To paragraph I.

(*a*.) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be separately charged with, convicted of, and punished for, offences under sections 225 and 333, Indian Penal Code.

(*b*.) A has in his possession several counterfeit seals with the intention of committing several forgeries. A may be separately charged with, convicted of, and punished for, the possession of each seal for a distinct forgery under section 473, Indian Penal Code.

(*c*.) A, with intent to cause injury to B, institutes proceedings against him, knowing there is no just or lawful ground for such proceedings. A also, in the course of the proceedings, falsely charges B with having committed an offence. A may be separately charged with, convicted of, and punished for, two offences under section 211, Indian Penal Code.

(*d*.) A, with intent to injure B, brings a false charge against him of having committed an offence. On the trial, A gives false evidence against B. A may be separately charged with, convicted of, and punished for, offences under sections 211 and 194 or 195, Indian Penal Code.

(*e*.) A, knowing that B, a female minor, has been kidnapped, wrongfully confines her and detains her as a slave. A may be separately charged with, convicted of, and punished for, offences under sections 368 (read with 367) and 370, Indian Penal Code.

(*f*.) A, with six others, commits the offence of rioting, grievous hurt to B, and of assaulting C, a public servant engaged in suppressing the riot. A may be separately charged with, convicted of, and punished for, offences under sections 147, 325 and 152, Indian Penal Code.

(*g.*) A criminally intimidates B, C and D at the same time. A may be separately charged with, convicted of, and punished for, each of the three offences under section 506, Indian Penal Code.

(*h.*) A intentionally causes the death of three persons by upsetting a boat. A may be separately charged with, convicted of, and punished for, three offences under section 302, Indian Penal Code.

To paragraph II.

(*i.*) A commits mischief by cutting down a tree in a Government forest. The tree overhangs the bank of a river and falls into the stream. A commits theft by having severed the tree and by floating it down the river to his village, where he sells it. A may be separately charged with, and convicted of, offences under sections 426 and 379, Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 379 only.

(*j.*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 323 only.

(*k.*) A wrongfully kills a buffalo worth sixty rupees belonging to B, and then takes away the carcase in a manner amounting to theft. A may be separately charged with, and convicted of, offences under sections 429 and 379, Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 429 only.

(*l.*) Several stolen sacks of corn are made over to A and B, who know they are stolen property. A and B thereupon assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414, Indian Penal Code; but the Court which tries them may not inflict a severer sentence than if it had convicted them under one of those sections only.

(*m.*) A uses a forged document in evidence, in order to convict B, a public servant, of an offence under section 167. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under one of those sections only.

To paragraph III.

(*n.*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497, Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

(*o.*) A robs B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 392 or 394 only.

(*p.*) A entices B, the wife of C, away, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497, Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

20. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused person may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust, or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft or criminal breach of trust, or cheating.

21. If, in the case mentioned in section twenty, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence, for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed criminal breach of trust, or receiving stolen goods. He may be convicted of criminal breach of trust, or receiving stolen goods, though he was not charged with it.

22. When a person is charged with an offence, and part of the charge is not proved, but the part which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed, though he was not charged with it.

When offence proved included in offence charged.

Illustrations.

(*a.*) A is charged, under section 407, Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b.*) A is charged with murder. He may be convicted of culpable homicide, or of causing death by negligence.

23. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks proper, and the provisions hereinbefore contained shall apply to all such charges.

What persons may be charged jointly.

Illustrations.

(*a.*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b.*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c.*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

24. No error, either in the way in which the offence is stated, or in the particulars required by the Code of Criminal Procedure to be stated, and no omission to state the offence, or to state those particulars, shall be regarded at any stage of the case as material, unless the person accused was in fact misled by such error or omission.

Effect of errors.

Illustrations.

(*a.*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit;" the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b.*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c.*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d.*) A is charged with the murder of Khodá Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e.*) A was charged with murdering Haidar Baksh on the 20th January, and Khodá Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khodá Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

25. If any Magistrate, or other authority purporting to exercise powers conferred, but not being actually so empowered, commits an accused person to take his trial before a High Court, the Court may, after perusal of the proceedings, accept the commitment if it considers that the accused person has not been prejudiced, unless objection was made on behalf either of the accused person or of the prosecution to the jurisdiction of the committing Magistrate during the inquiry and before the order of commitment.

When irregular commitments may be validated.

If such Court considers that the accused person was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

26. Pending the directions of the Court as to the place of trial, every person committed for trial shall (if not admitted to bail) be committed by the Magistrate for intermediate custody to the criminal jail in which he can be most conveniently confined.

Custody pending direction as to place of trial.

If the trial be directed to be held at the ordinary place of sitting of the Court, the Magistrate shall bind over the person charged to appear and take his trial at such place of sitting, or shall commit him to the jail at such place.

Procedure thereafter.

If the Court direct that the person charged be tried elsewhere than at its ordinary place of sitting, the Magistrate shall bind him over to appear and take his trial at the place so directed, or shall, if necessary, cause him to be removed to the criminal jail at or nearest to the place at which he is directed to be tried.

27. The Court may direct that all European British subjects committed or bailed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

Intermediate custody of European British subjects.

or direct that they shall be tried at a particular place named, and may also order that they shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

CHAPTER IV.

OF THE COMMENCEMENT OF THE TRIAL.

28. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

29. If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

30. If the accused person refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors as hereinafter directed, and to try the case.

Refusal to plead or claim to be tried.

31. Every person accused of an offence may of right be defended by any advocate of a High Court.

Right of accused to be defended.

Any such person may, with the permission of the Court (but not otherwise), employ any person not being an advocate, attorney or pleader, to assist him in his defence.

CHAPTER V.

OF JURIES.

(a) Of Juries generally.

32. All trials under this Act shall be by jury;

Trials to be by jury.

and, notwithstanding anything contained in section sixty-four of the Code of Criminal Procedure, in all criminal cases transferred to a High Court under that section or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the trial may, if the High Court so direct, be by jury.

33. The jury shall consist of nine persons, who shall be chosen by lot from the persons summoned to act as jurors: provided that, in case of a deficiency

Number of jurors.

of such persons, the number required may, with the leave of the Court, be chosen from such other persons as may be present.

Successive trials by same jury.

34. Subject to the right of challenge hereinafter mentioned, the same jury may try as many accused persons successively as the Court thinks fit.

Majority of jurors for trial of European British subjects.

35. If before the first juror is called and accepted, any European British subject charged as aforesaid requires to be tried by a mixed jury, the majority of the jurors shall consist of Europeans or Americans, or both Europeans and Americans.

Trial of European British subject and Native jointly accused.

36. In any case in which a European British subject is accused jointly with a person not being a European British subject, and such European British subject is committed for trial before a High Court, the person so jointly accused shall (if the committing Magistrate thinks that he ought to be tried) also be committed for trial before such High Court, notwithstanding any provision to the contrary in the Code of Criminal Procedure.

Such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

Provisions for European British subject requiring majority of Europeans in jury.

37. Provided that, if before the first juror is called and accepted the European British subject requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, and the person not being a European British subject requires that he shall be tried separately by a jury of which at least five members shall be persons not being Europeans or Americans, the latter person shall be tried separately.

Native may claim separate trial.

(b) Of Juries in the Presidency Towns.

Trials before special jury.

38. Every person tried in Calcutta, Madras or Bombay, shall be tried before a special jury

(*a*) if charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs.

Jurors' book.

39. The jurors' book for the year current when this Act comes into force, shall be taken as containing a correct list of persons liable to serve as jurors under this Act;

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this Act during the year for which the said list has been prepared.

Number of special jurors.

40. The names of not more than two hundred persons shall at any one time be entered in the Special Jurors' list.

Exemption of special jurors.

41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries, but so long only as their names are contained in such list.

Lists of common and special jurors.

42. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare

(*a*) a list of all persons liable to serve as common jurors;

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list, merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council may exempt any salaried officer of Government from serving as a juror.

Discretion of officer preparing lists.

43. The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Publication of lists.

44. Preparatory lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the officer by whom the same have been prepared, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

Number of jurors to be summoned.

45. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

Supplementary summons.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Failure of jurors to attend.

46. Any person summoned under section 45 who without lawful excuse fails to attend as required by the summons, or who having attended departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit,

and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

Peremptory challenges.

47. Challenges without cause shown shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Challenges on cause.

The following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person or persons charged:—

(*a*) Some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required by any law or rule having the force of law for the time being in force:

(*b*) Some presumed or actual partiality in the juror:

(*c*) A previous conviction of the juror of a non-bailable offence under the Indian Penal Code, or of a similar offence under any other law in force in British India:

(*d*) Inability to understand English when spoken.

Trial of challenges.

48. The Judge before whom a person charged is about to be tried shall try any challenge, other than a challenge without cause shown; and if the Judge allow the challenge, the juror shall be set aside.

The decision of the Judge as to any challenge shall be final.

Powers of Presidency High Courts as to jurors.

49. Save as herein provided, the High Courts of Judicature at Fort William, Madras and Bombay shall retain all their present powers respecting the summoning, empannelling, qualification, challenging, and service of jurors,

and shall have power to make such rules on these subjects (consistent with the provisions of this Act) as seem to them to be proper.

All rules relating to jurors now in force in the same High Courts shall (so far as they are consistent with this Act) remain in force until repealed or altered by new rules made under this section.

(c) Of Juries in the Mofussil.

Summoning jurors.

50. Whenever a High Court has given notice of its intention to hold sittings at any place (other than the towns of Calcutta, Madras and Bombay) for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, take and cause to be taken the measures prescribed by sections 407, 409, 410 and 411 of the Code of Criminal Procedure for the summoning of jurors.

Military jurors.

51. In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the military service, resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of European British subjects charged with offences before the High Court as aforesaid.

All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such juries notwithstanding anything contained in the Code of Criminal Procedure; but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

Juries for trial of European British subjects.

52. The juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned in accordance with sections 50 and 51.

Names of jurors to be called.

53. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused person shall be asked if he objects to be tried by such juror.

Objections to jurors.

Objection may then be made to such juror by the accused person, or by the prosecutor, and the grounds of objection shall be stated.

Grounds of objection.

54. Any objection made to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(*a*) his holding any office in or under the Court or the local Court of Session;

(*b*) his executing any duties of Police or being entrusted with any Police functions;

(*c*) his having been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Court, renders him unfit to serve on the jury;

(*d*) his having by habit or religious vows, relinquished all care of worldly affairs;

(*e*) his standing in the relation of husband, master, servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person accused;

(*f*) his being in the employment of any of such persons;

(*g*) his being plaintiff or defendant in any civil suit against any of such persons;

(*h*) his having complained against, or having been accused by, any of such persons in any criminal prosecution;

(*i*) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, any of such persons, or which renders such person improper as a juror.

Decision of objection.

55. Any objection made to a juror shall be decided by the Court, and such decision shall be final.

Supply of place of juror against whom objection allowed.

56. If the objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons; or, if there be no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such other juror or person be made and allowed under section 54.

57. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

Juror to understand language in which evidence is given or interpreted.

(d) Of the Foreman.

58. When the jury has been completed, they shall appoint one of their number to be foreman.

Foreman of jury.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, and to ask any information from the Court that may be required by the jury or any of the jurors.

If a majority of the jury do not agree in the appointment of a foreman, he shall be appointed by the Court.

CHAPTER VI.

OF THE TRIAL.

59. The prosecutor shall then open his case, and the witnesses shall be examined, cross-examined and re-examined according to the law for the time being relating to the examination of witnesses.

Examination of witnesses.

60. The examination of the accused person before the committing Magistrate shall be given in evidence at the trial.

Examination of accused before Magistrate to be evidence.

61. The Court may from time to time, at any stage of the trial, examine the accused person.

Examination of accused.

The accused person shall not be liable to any punishment for refusing to answer, or for answering falsely, questions asked under this section, but the Court shall draw such inference as seems just from such refusal or false answer.

Accused not punishable for refusal to answer.

No oath or affirmation shall be administered to the accused person.

62. When the examination of the witnesses for the prosecution and the examination of the accused person are concluded, the accused person shall be asked whether he means to call witnesses. If he says that he does not, the prosecutor may sum up his case. The Court may then, if it thinks that there are no grounds for proceeding, direct the jury to return a verdict of acquittal.

Defence.

If the Court considers that there are grounds for proceeding, it shall call on the accused person to state his grounds of defence and produce his witnesses.

The accused person, or his Counsel may then state the case for the defence, and may examine the witnesses, if any, produced for the defence, and at the conclusion of such examination may sum up his case.

63. If any evidence is adduced on behalf of the accused person, the prosecutor shall be entitled to reply.

Prosecutor's right of reply.

64. Whenever, in the opinion of the Court, it is proper and convenient that the jury should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the inquiry in the trial took place, an order shall be made to that effect, and the jury shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court. Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury.

View by jury.

65. The High Court may from time to time make rules as to keeping the jury together during a trial lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

Locking-up jury.

66. The Court may, in its discretion, postpone the hearing of the case; and may, from time to time, adjourn the trial, if it considers that such adjournment is proper and will promote the ends of justice.

Postponement of trial. Adjournment.

67. If a trial is adjourned, the jury shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury to attend at adjourned sitting.

68. The Court may, if it think fit, from time to time, by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

Power to prescribe mode in which evidence shall be taken down.

69. If a juryman is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be examined, cross-examined and re-examined, in the same manner as any other witness.

Evidence of jurors.

70. When the services of an interpreter are required by the Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Interpreter.

CHAPTER VII.

OF EVIDENCE.

71. The examination of a Civil Surgeon or other medical witness, taken and duly attested by a Magistrate, may be given in evidence in any criminal trial, although the person examined is not called as a witness.

Evidence of medical witness.

The Court may summon such Civil Surgeon or other medical witness, if it sees sufficient cause for doing so.

Court may summon medical witness.

72. Any document purporting to be a report from the Chemical Examiner, or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report, in the course of any criminal

Report of Chemical Examiner.

trial, or in any preliminary inquiry relating thereto, may, if it bears his signature, be used as evidence in any criminal trial.

The Court may presume that the signature of any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

Genuineness of signature may be presumed.

73. If, after the commencement of the trial, the accused person admits before the Court the commission of an offence, the Court may convict him on his own admission, whether such offence is the same as the offence of which he is accused, or not.

Admission of accused.

74. If an accused person abscond, and after due pursuit cannot be arrested, the Court may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions; and any such deposition may, on the arrest of such person, be put in on his trial for the offence with which he is charged if it is not practicable to procure the attendance of the deponent.

Record of evidence in absence of accused.

75. When a witness is produced, the evidence (if any) given by him before the committing Magistrate may, in the discretion of the presiding Judge, be treated as evidence in the case, if it was duly taken in the presence of the accused person.

Evidence given at preliminary inquiry.

EXPLANATION.—This section shall not authorize the Court to refer to the record of the evidence given by a witness who is absent, except in the cases in which such evidence may be referred to under the Indian Evidence Act, 1872, or other law in force for the time being upon the subject of evidence.

Commissions.

76. Whenever, at any time after the commitment, it appears that the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may dispense with his personal attendance.

When a commission may issue.

The Court may direct a commission to the Magistrate of the District, or to a Magistrate of the first class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed to the place where such witness is, or shall summon such witness before himself. Such Magistrate shall take the evidence of such witness in the same manner, and shall have for this purpose, and may exercise, the same powers as in trials of warrant cases under the Code of Criminal Procedure.

Mode of issuing commission.

When the witness is in the territories of any Native Prince or State in India in alliance with Her Majesty, the commission may be directed to any Justice of the Peace or other officer in the service of the Crown resident in such territories; and the provisions of the second clause of this section shall apply to such Justice of the Peace or officer.

Where witness is in a Native State.

If the witness is within the local limits of the ordinary original criminal jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, the commission may be directed to any Police Magistrate within such limits, and such Magistrate shall have the like power to compel the attendance and examination of witnesses as he possesses for that purpose in cases pending before him.

Where witness is in a Presidency Town.

The prosecutor and the accused person may forward interrogatories, upon which the officer to whom the commission is directed shall examine the witness, or the prosecutor may appear personally before the officer to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

Prosecutor and accused may examine witness.

After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto, and the deposition of such witness may be used as evidence in the case and shall form part of the record.

Return of commission.

Tender of Pardon to obtain Evidence.

77. The Court may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in, or privy to, any offence mentioned in column 7 of the fourth schedule annexed to the Code of Criminal Procedure as triable exclusively by the Court of Session, instruct the committing Magistrate to tender, or itself may, at any time before judgment, tender, a pardon to such person or persons, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances, within his or their knowledge, relative to the crime committed and every other person concerned in the perpetration thereof.

Court may direct tender of pardon.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case, under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

78. When a pardon has been tendered under section 77, if it appears to the Court that any person who has accepted such tender has not conformed to the conditions under which it was made, either by wilfully concealing anything essential, or by giving false evidence, the Court may commit, or direct the commitment of, such person, for trial for the offence in respect of which the pardon was so tendered, or for any other offence of which he may appear to have been guilty in connection with the same matter.

Commitment of person to whom pardon has been tendered.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

Of securing Attendance of Witnesses and Production of Documents.

79. The following procedure shall be pursued in order to obtain the attendance of witnesses before the Court.

Procedure for obtaining attendance of witnesses.

80. The Court may, at any stage of any proceeding, inquiry or trial, summon any witness, or examine any person in attendance though not summoned as a witness, and it shall be its duty to do so if the evidence of such person appears essential to the just decision of the case.

Power to summon material witness or examine person present.

81. If the Court has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, it may, instead of issuing a summons, issue a warrant of arrest in the first instance.

When warrant of arrest may issue in first instance.

82. If such warrant cannot be executed, and the Court considers that the witness is absconding or concealing himself for the purpose of avoiding the service thereof, it may issue a proclamation, requiring his attendance to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

Procedure when warrant cannot be served.

If the witness does not attend at the time and place named in such proclamation, the Court may order the attachment of any moveable property belonging to such witness, to such amount as seems reasonable, not being in excess of the amount of costs of attachment and of any fine to which he may be liable under the provisions of the next following section.

Such order shall authorize the attachment of any such moveable property within the jurisdiction of the Court by which the order was made; and if any such moveable property be without the jurisdiction of the said Court, such order when endorsed by the Magistrate of the District in which such property is situated shall authorize the attachment of the property last aforesaid.

83. If the witness appears and satisfies the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property attached be released from attachment, and shall make such order in regard to the costs of the attachment as the Court thinks fit.

Release of attached property of witness appearing and satisfying Court.

If such witness does not appear, or, appearing, fails to satisfy the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Court may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which may be imposed upon such witness under the provisions of section 172 of the Indian Penal Code.

Sale of property of witness not appearing or not satisfying Court.

If the witness pays to such Court the costs and fine as aforesaid, his property shall be released from attachment.

84. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Court, upon proof of the summons having been duly served, may issue a warrant under its seal to bring such person before it to testify as aforesaid.

Arrest of person disobeying summons.

85. The accused person shall be allowed to examine as a witness any person in attendance.

Right of accused as to examination of witness.

86. Whenever the Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, the Court may issue a summons to the person in whose possession or power such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

Procedure for obtaining production of document required as evidence.

87. If there is reason to believe that the person to whom the summons is addressed will not produce the document as directed in the summons, the Court may issue a search-warrant for the document in the first instance.

When warrant for search for documents may issue.

88. The Court may, if it thinks fit, impound any document produced before it, or may, at the conclusion of the proceedings, order such document to be returned to the person who produced it.

Power to impound document produced.

89. If a witness refuses to answer any question which is put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any just excuse for such refusal, he shall be deemed guilty of contempt of Court.

Procedure in case of refusal to answer or produce documents.

CHAPTER VIII.

OF THE CHARGE TO THE JURY.

90. When the case for the defence and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Charge to jury.

91. It is the duty of the Judge to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence, or the propriety of questions asked by parties or their agents, which may arise in the course of the trial; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

Duty of Judge.

to decide upon the meaning and construction of all documents given in evidence at the trial;

to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

to decide whether any question which arises is for himself or for the jury; and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a.*) It is proposed to prove a statement made by a person not called as a witness, under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b.*) It is proposed to give secondary evidence of a document, the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

CHAPTER IX.

OF THE VERDICT AND THE DISCHARGE OF THE JURY.

92. After the Judge has finished his charge, the jury may retire to consider their verdict.

Retirement to consider.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

93. It is the duty of the jury—

Duty of jury.

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms and words used in an unusual sense, which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general, indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(1.) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(2.) The question is, whether a person entertained a reasonable belief on a particular point. Whether work was done with reasonable skill, or due diligence.

Each of these is a question for the jury.

94. When the jury have considered their verdict, the foreman shall inform the Court what is their verdict, or what is the verdict of a majority.

Foreman to communicate verdict.

95. The jury shall return a verdict on all the charges on which the accused is tried, and the Court may ask them such questions as are necessary to ascertain what their verdict is.

Verdict to be given on each charge.

Judge may question jury.

96. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Procedure where jury differ.

97. A verdict of guilty or not guilty, as the case may be, shall be delivered either when the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them.

Verdict when to be delivered.

98. When the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in default of unanimity or majority of six with Judge's concurrence.

If the Judge disagrees with the majority, he shall then discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

99. The Judge may also discharge the jury whenever by reason of illness a juryman becomes incapable of attending through the trial or the prisoner becomes incapable of remaining at the bar.

Discharge of jury in case of sickness of juror or prisoner.

100. Whenever the jury is discharged, the prisoner shall be detained in custody or on bail (as the case may be) and shall be tried by another jury unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of prisoner after discharge of jury.

101. When any person has in a trial before a Judge of the High Court acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve for the decision of a Court consisting of two or more Judges of the High Court any question of law which has arisen in the course of the trial of such person and the determination of which would affect the event of the trial.

Power to reserve questions.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge think fit, be admitted to bail,

Procedure when question reserved.

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the High Court seem fit.

102. When more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the prosecutor may, with the consent of the Court, withdraw, or the Court of its own accord may direct the withdrawal of, the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

Withdrawal of remaining charges, on conviction on one of several charges.

CHAPTER X.

OF THE SENTENCE.

103. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge who issues it.

Form and direction of warrant of commitment.

104. In the case of a High Court holding its sittings elsewhere than in the towns of Calcutta, Madras or Bombay, the provisions of the Code of Criminal Procedure, sections 303, 304 and 305, shall apply to the officers therein mentioned.

Provisions of Criminal Procedure Code, ss. 303, 304, 305, applied in Mofussil.

105. Whenever an offender is sentenced to pay a fine, the Court may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Such warrant may be executed within the jurisdiction of the Court, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court, when endorsed by the Magistrate of the District in which such property is situate.

This section shall not apply to cases in which any special procedure is laid down by any special or local law in force for the time being for the recovery of any fine, but shall apply to cases in which no such procedure is laid down, and to all fines not levied when this Act comes into force, but which might have been levied under this section if it had been in force when they were imposed.

Levy of fine.

Cases to which section applies.

106. Whenever the Court imposes a fine under any law in force for the time being, the Court may order the whole or any part of the fine to be paid in compensation,

(*a*) for expenses properly incurred in the prosecution;

(*b*) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

In any subsequent civil proceedings relating to the same matter, the Court shall take into account any sum which may have been awarded under this section.

Payment of fine in compensation.

107. In every case punishable under any law in force for the time being with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the High Court shall be guided by the provisions of sections 64, 65, 68, 69 and 70 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

108. Sentences of whipping shall be executed in manner provided by the Code of Criminal Procedure, sections 311, 312 and 313.

Execution of sentences of whipping.

109. When a person is convicted, at one trial, of two or more offences punishable under the same or different sections of any law for the time being in force, the Court may sentence him, for the offences of which he has been convicted, to the several penalties prescribed by such enactment or enactments, which such Court is competent to inflict; such penalties, when consisting of imprisonment, or transportation, or penal servitude, to commence the one after the expiration of the other:

Provided that in no case shall such person be sentenced to imprisonment for a longer period than fourteen years.

Sentence in cases of simultaneous conviction of several offences.

Maximum term of imprisonment.

110. When sentence of death or whipping is passed on an escaped convict, the Court shall direct the new sentence to take effect without waiting for the expiration of the sentence from which he has escaped.

When any other sentence is passed on an escaped convict severer than the sentence from which he has escaped, the Court shall also direct the new sentence to take effect without waiting for the expiration of the sentence from which he escaped.

When the new sentence is not severer than the sentence from which he has escaped, the Court shall direct the new sentence to take effect after such convict has suffered imprisonment, or transportation, or penal servitude, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

When the former sentence on the escaped convict is or includes transportation or penal servitude for life and the Court does not sentence him to death, the new sentence shall direct that he be, as soon as practicable, sent back to the place from which he escaped.

Currency of sentence on escaped convicts.

EXPLANATION.—For the purpose of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment:

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

111. When sentence is passed on a person actually undergoing sentence of imprisonment or transportation, and the sentence is for imprisonment or transportation, the Court shall direct such imprisonment or transportation to commence at the expiration of the imprisonment or transportation to which he has been previously sentenced;

or, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be for transportation or penal servitude, the Court may direct the sentence to commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced:

Sentence on offender already sentenced for another offence.

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Proviso.

112. When any person under the age of sixteen years is sentenced to imprisonment for any offence, the Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Confinement of youthful offenders in reformatories.

113. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Sentence of death.

114. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence.

Postponement of capital sentence on pregnant woman.

115. When the trial is concluded, the Court may make such order as it thinks fit for the disposal of any property produced before it, regarding which any offence appears to have been committed.

Any order under this section may be in the form of a reference to a Magistrate, who shall in such case deal with the property as if it had been seized by the Police and the seizure duly reported to him.

EXPLANATION.—In this section the term 'property' includes not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Order for disposal of property regarding which offence committed.

116. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General in Council, the Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

Expenses of complainants and witnesses.

CHAPTER XI.

OF PREVIOUS CONVICTIONS OR ACQUITTALS.

117. A person who has once been tried for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 20, or for which he might have been convicted under section 21.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section 19, paragraph I.

A person convicted or acquitted of any offence in respect of any act causing consequences which, together with such act, constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was acquitted or convicted.

A person convicted or acquitted of any offence in respect of any facts may, notwithstanding such acquittal or conviction, be subsequently charged with and tried for any other offence which he may have committed in respect of the same facts, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

(*a.*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged with the same theft as a servant, or, upon the same facts, with theft simply or with criminal breach of trust.

(*b.*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c.*) A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(*d.*) A is tried under section 270 of the Indian Penal Code for malignantly doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged, under section 325, with voluntarily causing grievous hurt to that person.

(*e.*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried for the murder of B on the same facts.

(*f.*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B, on the same facts, unless the case comes within paragraph three.

(*g.*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*h.*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity, on the same facts.

Person once convicted or acquitted not to be tried for same offence.

118. If the accused person has been previously convicted of any offence, and if it is intended to prove such previous conviction for the purpose of affecting the punishment which is to be awarded, the fact of the previous conviction must be stated in the charge. If it is omitted, it may be added at any time before sentence is passed, but not afterwards.

Previous conviction to be set out in charge.

119. A previous conviction or acquittal may be proved by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the finding and sentence.

Previous conviction or acquittal how proved.

CHAPTER XII.

OF CRIMINAL LUNATICS.

120. If any person committed for trial appears at his trial to the Court to be of unsound mind and incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence; and thereupon the trial shall be postponed.

Procedure in case of person committed being lunatic.

The trial of the fact of the unsoundness of mind of the accused person shall be deemed to be part of his trial before the Court.

121. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Court, if the offence of which he is accused be bailable, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Release of lunatic pending investigation or trial.

If the offence be not bailable, or if the required bail be not given, the Court shall report the case to the Local Government, and the accused person shall be kept in safe custody in such place as the Local Government directs.

Custody of lunatic.

122. Whenever a trial is postponed under section 120, the Court may at any time resume the trial, and require the accused person, if detained in custody, to be brought before the Court; or, if he has been released on security, may require his appearance.

Resumption of trial.

The surety of such person shall be bound, at any time, to produce him to any officer whom the Court appoints to inspect him; and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the Visitors of Lunatic Asylums, granted under section 127.

123. If, when the accused person appears or is again brought before the Court, it appears to such Court that he is in a fit state of mind to make his defence, he shall be put on his trial.

Procedure on accused appearing before Court.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Court shall again act according to the provisions of section 121.

124. Whenever any person is acquitted upon the ground that, at the time at which he is charged with having committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether such person committed the act or not.

Finding in case of acquittal on ground of being lunatic.

125. Whenever such finding states that the accused person committed the act charged, the Court before which the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order him to be kept in safe custody, in such place and manner as the Court thinks fit, and shall report the case for the order of the Local Government.

Person so acquitted to be kept in safe custody.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

126. When any person is confined under the provisions of section 121 or 125, the Inspector General of Prisons, if such person is confined in a jail, or the Visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such Visitors as aforesaid; and such Inspector General or Visitors shall make a special report to the Local Government as to the state of mind of such person.

Lunatic prisoners to be visited by Inspector General.

127. If such person is confined under section 121 and such Inspector General or Visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Court, at such time as it appoints, and the Court shall deal with him under the provisions of section 123; and the certificate of such Inspector General or Visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is reported capable of making his defence.

128. If such person is confined under the provisions of section 125, and such Inspector General or Visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum, if he has not been already sent to such an Asylum; and may appoint a commission, consisting of a judicial officer and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

Procedure where lunatic confined under section 125 is declared capable of being discharged.

The said commission shall make formal inquiry into the state of mind of such person taking such evidence as is necessary, and shall report to the Local Government, who may order his discharge or detention as to it may seem fit.

129. Whenever any relative or friend of any person detained under the provisions of section 125 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order that the person detained be delivered to such relative or friend.

Delivery of lunatic to care of relative.

Whenever such person is so delivered, it shall be upon condition that he shall be subject to be inspected by such officer, and at such times as the Local Government directs.

The provisions of sections 126 and 128 shall apply to persons detained under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons or the Visitors of Lunatic Asylums, under the said sections.

130. If an accused person, though not insane, cannot be made to understand the proceedings, the Court may proceed with the trial; and if such trial results in a conviction, the Court shall pass thereon such order as it thinks fit.

Procedure where accused does not understand the proceedings.

CHAPTER XIII.

OF PROSECUTIONS IN CERTAIN CASES.

131. A complaint of an offence punishable under chapter VI of the Indian Penal Code, except section 127, or punishable under section 294 A of the said Code, shall not be entertained, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecutions for offences against the State.

132. A complaint of an offence of which any Judge or any public servant not removeable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained against him, except with the sanction or under the direction of the Government, or of some officer empowered by the Government, or of some Court or other authority to which he is subordinate, and whose power so to sanction or direct such prosecution the Government does not think fit to limit or reserve.

Prosecution of Judges and public servants.

No such Judge or public servant shall be prosecuted for any act purporting to be done by him in the discharge of his duty, unless with the sanction of the Government.

Sanction when to be given.

The sanction must be given before the commencement of the proceedings.

In this section the expression 'Government' means either the Local Government or the Governor General in Council; and the expressions 'Judge' and 'public servant' have the meanings assigned to them respectively by the Indian Penal Code.

133. A complaint of any offence described in chapter X of the Indian Penal Code, not falling within section 175, 178, 179 or 180 of that Code, shall not be entertained by any High Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

Prosecution for contempts of the lawful authority of public servants.

134. The sanction referred to in section 133 may be expressed in general terms, and need not name the accused person, and may be given at any time.

Nature of sanction necessary.

EXPLANATION.—In cases under this chapter, the report or application of the public servant shall be deemed sufficient complaint.

135. When the Court is of opinion that there is sufficient ground for inquiring into any charge mentioned in section 133, it may, after making such preliminary inquiry as may be necessary, either commit the case itself, or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Procedure in cases mentioned in section 133.

Such Magistrate shall thereupon proceed according to law; and the Court may send the accused person in custody, or take sufficient bail for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial or inquiry.

The Magistrate receiving the case may, if he is authorised to make transfers of cases, transfer the inquiry to some other competent Magistrate, instead of completing the inquiry himself.

CHAPTER XIV.

OF BAIL.

136. The Court may in any case direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Power to direct admission to bail.

137. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, it shall proceed to enforce the penalty, by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within its jurisdiction.

Procedure to compel payment of penalty by accused.

Such warrant may be executed within such limits, and it shall authorize the distress and sale of any moveable property belonging to the accused person without such limits, when endorsed by the Magistrate of the District in which such property is situate.

138. Whenever, by reason of default of appearance by the person bailed, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, it shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

Procedure to compel payment of penalty by sureties.

If such penalty be not paid, and if no sufficient cause for its non-payment be shown, the Court shall proceed to recover the penalty from such surety or sureties, by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within its jurisdiction.

Such warrant may be executed within such local limits; and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without such limits, when endorsed by the Magistrate of the District in which such property is situate.

If such penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Court, in the civil jail, during a period not exceeding six months:

Provided that the Court may, at its discretion, remit any portion of the penalty mentioned in the recognizance of the party or witness, or of the surety or sureties, and enforce payment in part only:

Remission of part of penalty.

The Court may direct any Magistrate to levy the amount due on a forfeited bail-bond executed in respect of attendance before such Court.

Court may direct Magistrate to levy sum forfeited.

139. When any person is required to give bail, the Court may permit him to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

Deposit instead of bail.

CHAPTER XV.

OF SECURITY FOR KEEPING THE PEACE.

140. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence,

Personal recognizance to keep the peace in cases of conviction.

and the Court is of opinion that it is just and necessary to require such person to give a personal recognizance for keeping the peace,

the Court may, in addition to any other order passed in the case, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding three years, with a provision that, if the same be not given, he shall be kept in simple imprisonment for any time not exceeding three years, unless within such period he executes such formal engagement as aforesaid.

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance, and the imprisonment in default of executing such recognizance, shall commence on the expiration of his sentence.

141. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court empowered to require a personal recognizance may require security in addition thereto, and may fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in simple imprisonment for any time not exceeding three years.

Security to keep the peace.

142. Whenever a person is convicted of an offence attended with criminal force, and it appears to the Court that, by such criminal force, any person has been dispossessed of any immoveable property, the Court may cause such person to be restored to possession.

Power to restore possession of immoveable property.

No order made for this purpose shall prejudice any right over such immoveable property which any person may be able to show in a civil suit.

CHAPTER XVI.

MISCELLANEOUS.

143. Nothing herein contained shall be deemed to affect the Prisoners' Testimony Act, 1869, or the Prisoners Act, 1871.

Saving of Acts XV of 1869, and V of 1871.

144. The Advocate General may, with the previous sanction of the Governor General in Council or the Local Government, exhibit to the local High Court, against persons subject to the jurisdiction of the said Court, informations for all purposes for which Her Majesty's Attorney-General may exhibit informations on behalf of the Crown in the Court of Queen's Bench or Exchequer.

Advocate General may exhibit informations.

Such proceedings may be taken upon every such information as may lawfully be taken in case of similar informations filed by Her Majesty's Attorney-General in England, so far as the circumstances of the case and the course and practice of proceeding in the said High Courts respectively will admit.

All fines, penalties, forfeitures, debts and sums of money recovered or levied under or by virtue of any such information shall belong to the Government of India.

145. Upon charges preferred by the Advocate-General or by any Magistrate or other officer specially empowered by the Government in this behalf, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions herein contained as to the amendment and alteration of charges, and subject also to the provisions of section 24) shall be tried upon the charges so recorded.

Effect of charge preferred by Advocate General.

146. At any stage of any proceeding under this Act, before the return of the verdict, the Advocate General may, if he think fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the information or charge; and thereupon all proceedings on such information or charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

Power to enter *nolle prosequi*.

147. Whenever it appears to the High Court of Judicature at Fort William, Madras or Bombay that the direction hereinafter mentioned will promote the ends of justice, it may direct the transfer to itself of any particular case from any criminal court situate within the local limits of its ordinary original criminal jurisdiction, and the High Court shall have power to determine the case so transferred, and to quash or affirm any conviction or other proceeding which may have been had therein, but so that the same be not quashed for want of form, but on the merits only.

Power of Presidency High Court to transfer to itself cases from Police Magistrates.

148. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

Power to issue directions of the nature of a *habeas corpus*.

(a) that a prisoner, legally committed and within the local limits of its ordinary original criminal jurisdiction, be brought up before it to be bailed:

(b) that a person within such limits be brought up before the Court to be dealt with according to law:

(c) that a person illegally or improperly detained in public or private custody within such limits be set at liberty:

(d) that a prisoner detained in any gaol situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court:

(e) that a prisoner detained as aforesaid be brought before a Court Martial or any Commissioners acting under the authority of any commission from the Governor-General in Council, for trial, or to be examined touching any matter depending before such Court Martial or Commissioners respectively:

(f) that a prisoner within such limits be removed from one custody to another for the purpose of trial:

(g) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment;

and neither the High Court nor any Judge thereof shall hereafter issue any writ of *habeas corpus* for any of the above purposes.

Each of the said High Courts shall, as soon as conveniently may be, frame rules to regulate the procedure in cases under this section; and till such rules are framed, the practice of such Courts as to the obtaining, granting and serving of writs of *habeas corpus*, and as to the returns thereto, shall apply in such cases.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the Acts of the Governor-General in Council No. XXXIV of 1850 or No. III of 1858.

149. Affidavits and affirmations to be used before any High Court or any officer of such Court, may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorised to take affidavits or affirmations in Scotland.

Courts and persons before whom affidavits may be sworn.

150. Every High Court in the exercise of its original Criminal Jurisdiction shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

Criminal Courts to be open.

But the presiding Judge may, if he thinks fit, order that, during the trial of any particular case, no person shall have access to, or be, or remain in, the room or building used by the Court, without the consent or permission of the Court.

151. In the case of offences which may lawfully be compounded, injured persons may compound the offence out of Court, or in Court with the permission of the Court.

Compounding offences.

Such withdrawal from the prosecution shall have the effect of an acquittal of the accused person.

152. Every Judge of a High Court shall, by virtue of his office, be a Justice of the Peace within and for the whole of British India.

Judges of High Courts to be Justices of the Peace *virtute officii*.

153. Cases pending, when this Act comes into force, in any High Court in the exercise of its original criminal jurisdiction shall be decided, as far as may be, according to the procedure provided in this Act.

Pending cases.

THE SCHEDULE.

(*See section* 2.)

ACTS.

No. and year.	Subject or Title.	Extent of repeal.
XXXI of 1838.	Supreme Courts, Criminal Law.	So much as has not been repealed.
XXII of 1839.	An Act for enabling persons charged with offences to make their defence more effectually.	So much as has not been repealed.
IV of 1849	Criminal lunatics ...	So much as has not been repealed.
XVI of 1852.	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	So much as has not been repealed.
XVIII of 1859.	An Act to amend the law relating to offences declared to be punishable on conviction before a Magistrate.	So much as has not been repealed.
XVIII of 1862.	An Act to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature.	Sections 1 to 25 (both inclusive): sections 36 to 46 (both inclusive): and sections 54, 55 and 56.
XIII of 1865.	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	So much as has not been repealed.
IV of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections 21 to 41 (both inclusive), and section 20, except the first twenty-two words.
XVI of 1866	An Act to relieve the Governor General of India in Council from the duty of signing the commissions mentioned in sections 22 and 44 of the High Courts Criminal Procedure Amendment Act, 1865.	The whole.
XXIV of 1866.	An Act to amend the procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William.	Sections 2 to 17 (both inclusive).

ACTS,—*concluded.*

No. and year.	Title.	Extent of repeal.
XIII of 1869.	An Act further to amend the procedure of the High Court of Judicature for the North-Western Provinces.	Sections 1 and 2, and so much of sections 3 and 4 as relates to criminal jurisdiction.
XXII of 1870.	An Act to confirm certain laws affecting European British subjects.	Section three.

STATUTES.

No. and year.	Title or abbreviated Title.	Extent of repeal.
13 Geo. III, c. 63.	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 34. In section 38 the words "and the Chief Justice and other Judges of the said Supreme Court of Judicature."
33 Geo. III, c. 52.	*An Act whose title begins with the words* An Act for continuing, *and ends with the words* and Bombay.	Sections 153 and 154.
53 Geo. III, c. 155.	*An Act whose title begins with the words* An Act for continuing, *and ends with the words* Company's Charter.	Sections 100, 102, 103.
9 Geo. IV, c. 74.	An Act for improving the administration of Criminal Justice in the East Indies.	The whole Act except sections one, seven, eight, nine, twenty-five, twenty-six, and fifty-six.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1875, and is hereby promulgated for general information :—

ACT No. XI OF 1875.

An Act to amend the Law relating to Salt in the Presidency of Fort St. George.

WHEREAS it is expedient to amend the law relating to the price of salt sold under the orders of Government in the Presidency of Fort St. George; It is hereby enacted as follows :— Preamble.

1. This Act may be called "The Madras Salt Act, 1875:" Short title.

It extends to the territories under the government of the Governor of Fort St. George in Council; Local extent.

And it shall come into force at once. Commencement.

2. The Governor General in Council may from time to time, by notification published in the *Gazette of India*, impose, for any local area, a duty on salt manufactured or sold therein under the orders of the Governor of Fort St. George in Council, not exceeding one rupee and thirteen annas for every maund of three thousand two hundred tolas. Power to impose, for any local area, duty on salt manufactured or sold under orders of Government.

3. Whenever any such notification is published, the enactments mentioned in the schedule hereto annexed shall be repealed in such local area, and the Local Government shall from time to time, by notification in the *Fort St. George Gazette*, fix as part of the price of every maund of salt so to be sold within such local area, or any part thereof, such additional sum or sums as it may deem sufficient to cover the cost of importation, purchase, manufacture, storage, transport, sale and wastage. Power to impose, for any local area, additional sum to cover cost of salt.

4. The Local Government may vary such additional sum or sums for any description of salt, or for any part of such local area, with reference to all or any of the following considerations (namely):— Power to alter additional sum.

(*a*) the place in which the salt is sold;

(*b*) the quantity of the salt sold in any transaction;

(*c*) any other circumstances affecting its sale.

5. The price to be paid to the Local Government in any part of any local area mentioned in any notification under section three or four shall, for every maund of salt sold in such area or part, be the total amount of the duty and additional sum for the time being so imposed and fixed for such salt as aforesaid. Price to be paid in each local area for salt sold.

The price payable in any local area for any description of salt at the date of the publication of any notification under section two, shall be taken to be the price payable under this section for such description of salt until an additional sum is fixed under section three for such area.

SCHEDULE.

(*See section* 3).

The following portions of Act No. XXIV of 1869 (*to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay*), namely,

in the title, the words "the price of salt in the Presidency of Fort St. George and";

in the preamble, the words "the price of salt manufactured and sold in the Presidency of Fort St. George and"; and

in section two, paragraph one and the first word of paragraph two,

and so much of the second Schedule to the Laws Local Extent Act, 1874, as refers to Act No. XXIV of 1869.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 20, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and is hereby promulgated for general information :—

ACT No. VIII OF 1875.

THE INLAND CUSTOMS ACT, 1875.

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An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of inland customs-duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre, into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Inland Customs Act, 1875:" and shall come into force on the passing thereof.

Local extent.

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder, extend to the whole of British India:

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces;

Power to extend Act.

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Council published in the *Gazette of India*, to any part of British India other than the said territories.

Repeal of enactments.

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

Interpretation-clause.

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

"the said territories" means the territories mentioned in the third clause of the first section:

"Collector." "Collector" means a Collector or Assistant Commissioner of Inland Customs, and includes any person invested by the Local Government with the powers of a Collector under this Act:

"Customs-officer." "Customs-officer" means any officer of Inland Customs, and includes any person invested by the Local Government with any of the powers of a customs-officer under this Act:

"Sugar." "Sugar" includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient:

"Saltpetre." "Saltpetre" includes rasí, sajjí and all other substances manufactured from saline earth, and *khárí-núm*, or Glauber's salt, and every form of sulphate or carbonate of soda; and

"Manufacture of salt." "Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence.

CHAPTER II.—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR.

Regulation of the import of salt, and export of sugar.

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act.

Power to levy duties.

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following:—

	Per maund of three thousand two hundred tolas.
(*a*). On salt imported into the said territories	Three rupees,
(*b*). On refined sugar exported from the said territories ...	One rupee,
(*c*). On unrefined sugar exported from the said territories ...	Six annas;

and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds.

The Governor General in Council may from time to time reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar.

Power to define a customs-zone and establish a customs-line.

6. In order to facilitate the collection of duties imposed under section five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient,

and may extend such zone so as to include any portion of a railway or canal or navigable river entering the same and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone,

and may within such zone establish a chain of customs-posts extending along such zone.

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870.

"Customs-zone." "Customs-line." A zone of country defined, and a chain of customs-posts established, under this section, are hereinafter termed respectively a "customs-zone" and a "customs-line."

Effect of establishing a customs-zone and line.

7. When a customs-zone has been defined and a customs-line established under section six along any portion of the frontier of the said territories, the following results shall ensue (namely)—

Salt when imported.

(*a*) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before:

Sugar when exported.

(*b*) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before:

Possession of salt within customs-zone.

(*c*) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone.

Traffic crossing customs-line.

(*d*) the Governor General in Council may, by notification or by the erection of a barrier or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine,

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line.

Levy of salt-duty in Central Provinces.

8. The Governor General in Council may by rule direct that the duty leviable under section five, clause (*a*), shall be levied by way of a mileage-rate on—

(*a*) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(*b*) salt which, having been so imported, is afterwards moved from one place to another:

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied.

Power to regulate collection of duties and import and export of goods.

9. The Governor General in Council may by rule prescribe the manner, time, and place in and at which, and the persons by whom, the duties leviable under this Chapter shall be collected and the dutiable goods be permitted to be imported and exported.

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs-officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

Power of Governor General in Council

10. The Governor General in Council may from time to time by rule—

to regulate manufacture and refining of salt and saltpetre;

(*a*) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories;

to fix fees for licenses;

(*b*) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned:—

	Rs.
License to manufacture saltpetre ...	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture *khárí-núm* ...	25
License to manufacture other saline substances	2;

to impose a duty on manufacture of salt;

(*c*) impose a duty not exceeding three rupees per maund of three thousand two hundred tolahs on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the persons by whom, such duty shall be collected;

to reduce or remit duties;

(*d*) reduce or remit any duty so imposed;

to regulate possession of salt in vicinity of saltpetre-manufactories;

(*e*) define an area no point in which shall be more than one hundred yards from the nearest point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and it, appurtenances in or on which saltpetre is manufactured or refined, and regulate the possessions storage and sale of salt within such area;

to regulate possession of salt in vicinity of places where salt is manufactured.

(*f*) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE.

Penalty for contravention of Act or rules.

11. Whoever commits any of the following offences—

(*a*) does anything in contravention of this Act or of any rule made hereunder;

(*b*) evades payment of any duty or charge payable under this Act or any such rule; or

(*c*) attempts to commit or abets within the meaning of the Indian Penal Code the commission of any of the offences mentioned in clauses (*a*) and (*b*) of this section,

shall for every such offence be punishable with a fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both,

and the convicting Magistrate, on the application of the Collector or customs-officer, may declare to be confiscated all works, materials, and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

12. Any person convicted of an offence under section eleven, after having been previously convicted of an offence under that section or any enactment hereby repealed,

Punishment on second and subsequent convictions.

shall be punished with imprisonment which may extend to six months, in addition to the punishment which may be inflicted for a first offence under section eleven,

and every such person shall, upon every subsequent conviction of an offence under section eleven, be liable to imprisonment for a term which may extend to six months, in addition to any term of imprisonment to which he was liable at his last previous conviction.

13. A charge of an offence under section eleven shall not be entertained except on the complaint of the Collector or other customs-officer not inferior in rank to a Sub-Assistant Patrol,

Charge to be preferred by customs-officer.

and no such complaint shall be admitted unless it be preferred within six months after the commission of the offence to which it refers.

Limitation of time for complaint.

An offence under section eleven shall be tried by a magistrate exercising powers not less than those of a magistrate of the second class.

Jurisdiction.

14. All salt, sugar, or saltpetre in respect of which any offence mentioned in section eleven has been committed, together with the vessels, packages, or coverings in which such salt, sugar, or saltpetre is contained, and the animals and conveyances used in carrying it, shall be liable to confiscation.

Confiscation of articles in respect of which offence committed.

When the article seized exceeds five sers in weight, the Commissioner of the Division may, if satisfied on the report of any customs-officer, or on such enquiry as he deems fit to make, that such offence has been committed, declare such article to be confiscated, or impose such lesser penalty in lieu of confiscation as to him may seem fit.

If the quantity seized does not exceed five sers, the Collector shall possess the same powers in regard to its disposal which by this section are conferred on Commissioners of Division in regard to quantities exceeding five sers, and may also confiscate the vessel, package or covering in which such article is contained.

Whenever a Commissioner of Division declares under this section any article to be confiscated, he may also declare to be confiscated any vessel, package or covering in which such article is contained, and any animal or conveyance used in carrying it.

15. The Governor General in Council may from time to time by rule direct that any customs-officer not inferior in rank to a Sub-Assistant Patrol, if satisfied in such manner as such rule may prescribe that any offence mentioned or referred to in section eleven has been committed in respect of any dutiable article shall, instead of preferring a complaint before a magistrate or instituting proceedings with a view to confiscation, impose as a penalty an additional duty on such article not exceeding the duty paid or leviable thereon under chapter II of this Act.

Power to levy additional duty as a penalty.

The imposition of every such penalty shall be at once reported, if the article in respect of which the offence has been committed exceeds five sers, to the Commissioner of Division, and if such article does not exceed five sers, to the Collector,

and shall require the sanction of the Commissioner or Collector to whom it is so reported.

16. All zamíndárs and other proprietors of land or their agents, who wilfully connive at any offence mentioned or referred to in section eleven, shall for every such offence be punishable by any magistrate exercising powers not less than those of a magistrate of the second class, with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding six months, or with both.

Punishment for connivance at offences mentioned in section 11.

CHAPTER V.—OF THE POWERS OF STOPPAGE, SEIZURE, SEARCH AND ARREST.

17. Any customs-officer may stop and detain any person whom he has reasonable ground to suspect of being liable to punishment under this Act;

Power to detain suspected person and to seize goods liable to confiscation.

and may seize any salt or sugar in respect of which there is reasonable ground to believe that any offence mentioned or referred to in section eleven has been committed or that any duty is payable, together with the vessels, packages or coverings in which such salt or sugar is contained, and the animals and conveyances used in carrying it.

18. Any customs-officer may arrest any person whom he has reasonable ground to suspect of having committed any such offence as last aforesaid.

Power to arrest.

19. Whenever any customs-officer not inferior in rank to a Sub-Assistant Patrol, has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored,

Power to enter and search place of illicit manufacture.

such officer shall first record in writing (so far as may be practicable), (*a*) the name, residence, and calling of the informant (if any), (*b*) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (*c*) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (*d*) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat or place in which there is reason to believe that salt or saltpetre is being so manufactured, refined, or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and may also arrest the occupier of the said house, boat or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed in the Code of Criminal Procedure, section 384.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

20. Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

Failure of police-officer to attend.

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

Report of arrest, seizure or search.

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry to his official superior for the information of the Collector.

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

And every officer of police attending any search made under section nineteen shall report the same to his official superior.

22. Whenever the Collector is informed of the seizure of any article exceeding five sers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen.

Procedure in respect of articles seized.

If the quantity seized does not exceed five sers, he may dispose of the case himself under the said section.

23. Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section:

Procedure on detainer of article subject to additional duty.

Provided that, if the owner of any article so detained deposits the amount of such penalty with and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released.

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces, or declines to sanction, the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has been made by the Collector) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs.

24. Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one), either send, with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Procedure in respect of person arrested.

25. All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act.

Officers of police and land-revenue to assist customs-officers.

26. Any customs-officer who,

Vexatious search, seizure, &c., by customs-officer.

(*a*) without reasonable ground of suspicion, searches or causes to be searched any house, boat or place;

(*b*) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(*c*) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees.

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both.

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act.

Power to regulate seizures and disposal of things seized.

Such rules may among other matters provide—

(*a*) that the owner or person having the charge of any animal seized and detained shall provide

from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale:

(*b*) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale:

(*c*) that the surplus-proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.—MISCELLANEOUS.

Power to prohibit import, export, and transit of salt or sugar.

28. The Governor General in Council may, from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, from or into any other of the said territories, or the Lower Provinces of the Presidency of Fort William.

Further matters for which Governor General may make rules.

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules to regulate the following matters, namely:

(*a*) the persons by whom, and the time, place and manner at or in which anything to be done under this Act shall be done;

(*b*) the cases in which, and the officers to whom, and the conditions subject to which, orders given by customs-officers under this Act shall be appealable;

(*c*) the fee to be charged on account of any license, pass, certificate, dákhilá, rawána or other such document issued under this Act;

and generally to carry out the provisions herein contained.

Publication of rules.

30. All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law.

Power of Local Government to confer powers of Collector and customs-officers.

31. Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council, the Local Government may invest any person with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

Saving of existing duties on salt and sugar.

32. All duties now leviable on salt or sugar imported into or exported from, or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act.

Existing rules.

33. All rules now in force which might have been made under this Act if it had been in force, shall be deemed to have been issued hereunder, and

Existing customs-line.

the existing customs-line shall be deemed to have been defined and protected hereunder.

SCHEDULE.

A.—Acts.

Number and Year.	Title.	Extent of repeal.
XIV of 1843	An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XXXVI of 1855.	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.
I of 1860 ...	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces).	So much as has not been repealed.
XXXI of 1861	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
XIX of 1862	An Act to extend to the Province of Oude certain provisions of Acts XIV of 1843 and XXXVI of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act.	The whole.
VII of 1864	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed.
XXXIII of 1867.	An Act to amend Act No. XXXI of 1861.	The whole.
XXV of 1869	An Act to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.	The whole.
XXV of 1872	An Act to give the force of law to certain Rules relating to Salt in the Panjáb.	The whole.
X of 1874 ...	An Act to amend the Law relating to Salt.	Sections three and four.
XV of 1874...	Laws Local Extent Act ...	So far as it relates to Bengal Regulation I of 1833.

SCHEDULE—*(continued)*.

B.—Bengal Regulations.

Number and Year.	Title.	Extent of repeal.
XX of 1817	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police; for modifying the existing Rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Munduls and other Heads of Villages.	Section twenty-nine, clauses *fifth*, *sixth*, *seventh*, and *eighth*.
X of 1819 ...	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt.	So much as has not been repealed.
X of 1826 ...	A Regulation for removing Doubts as to the Application of Section L. Regulation X. 1819, to the District of Goruckpore: for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of Government: and for providing for the Retail Sale of Salt by Government Officers in certain Cases.	So much as has not been repealed.
IV of 1832...	A Regulation for declaring and explaining the Meaning and Intention of section XLI. Regulation X. 1819.	The whole.
I of 1833 ...	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the territories to which the Revenue Jurisdiction of that Board extends.	The whole.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and is hereby promulgated for general information:—

ACT No. IX OF 1875.

An Act to amend the Law respecting the age of majority.

Preamble.

WHEREAS, in the case of persons domiciled in British India, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Majority Act, 1875:"

Local extent.

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty;

Commencement and operation.

and it shall come into force and have effect only on the expiration of three months from the passing thereof.

2. Nothing herein contained shall affect—

(*a*) the capacity of any person to act in the following matters (namely),—Marriage, Dower, Divorce, and Adoption;

(*b*) the religion or religious rites and usages of any class of Her Majesty's subjects in India, or

(*c*) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

Age of majority of persons domiciled in British India.

3. Subject as aforesaid, every minor of whose person or property a guardian has been or shall be appointed by any Court of Justice, and every minor under the jurisdiction of any Court of Wards, shall, notwithstanding anything contained in the Indian Succession Act (No. X of 1865) or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before:

Subject as aforesaid, every other person domiciled in British India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

Age of majority how computed.

4. In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section three, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section three, at the beginning of the eighteenth anniversary of that day.

Illustrations.

(*a.*) Z is born in British India on the first day of January, 1850, and has a British Indian domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January, 1871.

(*b.*) Z is born in British India on the twenty-ninth day of February, 1852, and has a British Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February, 1873.

(*c.*) Z is born on the first day of January, 1850. He acquires a domicile in British India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January, 1868.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1875, and is hereby promulgated for general information :—

ACT No. X OF 1875.

THE HIGH COURTS' CRIMINAL PROCEDURE ACT, 1875.

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THE SCHEDULE.—Enactments repealed.

An Act to regulate the Procedure of the High Courts in the exercise of their original criminal jurisdiction.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the procedure of the High Courts in the exercise of their original criminal jurisdiction; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The High Courts' Criminal Procedure Act, 1875:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on the first day of May 1875.

Repeal of enactments.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule, but not so as to revive any practice thereby abolished.

And all rules made under any of the said enactments shall be deemed to have been made under this Act, so far as they are consistent herewith.

Interpretation-clause.

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

"High Court."

"High Court" includes all High Courts established or to be established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the Chief Court of the Panjáb, and such other Courts as the Governor-General in Council may, from time to time, declare to be invested with the powers of a High Court under this Act:

"Chief Justice."

"Chief Justice" includes also the Senior Judge of a Chief Court:

"Advocate General."

"Advocate General" includes also a Government Advocate:

"Clerk of the Crown."

"Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Act to the Clerk of the Crown; and

"Magistrate."

"Magistrate" includes also a Police Magistrate in the Towns of Calcutta, Madras and Bombay:

"European British Subject."

"European British Subject" means—

(*a*) all subjects of Her Majesty born, naturalized or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian colonies or possessions of Her Majesty, or in the colonies of New Zealand, the Cape of Good Hope and Natal;

(*b*) the children and grandchildren of any such person by legitimate descent:

"Prosecutor."

"Prosecutor" includes every person conducting a prosecution on behalf of Her Majesty:

"Offence."

"Offence" denotes anything made punishable by any law for the time being in force; and

words which refer to acts done extend also to illegal omissions.

CHAPTER II.

OF SESSIONS.

Time of holding sittings.

4. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

Place of holding sittings.

5. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor-General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct. But it may, from time to time,

in the case of the High Court at Fort William, with the consent of the Governor-General in Council,

in all other cases, with the consent of the Local Government,

hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Notice of sittings.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.

CHAPTER III.

OF PROCEDURE ON COMMITMENTS.

Cases tried by High Courts to be tried under this Act.

6. The provisions of this Act shall apply to all criminal cases triable by the High Court.

Consideration and amendment of charge.

7. When any person is committed for trial before a High Court, the Clerk of the Crown, or, if there be not a Clerk of the Crown, a Judge of the High Court, shall, on receipt of the charge, peruse and consider it, and may, if it appear necessary or expedient so to do, alter or redraw the same, having regard to the rules as to the form of charges contained in the Code of Criminal Procedure.

How Court may deal with charge.

8. If a prisoner is committed to the Court without any charge at all, the Clerk of the Crown, or, if there be not a Clerk of the Crown, a Judge of the High Court, may draw up a charge, having regard to the rules referred to in section seven. If a prisoner is committed upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court may draw up a charge for any offence or offences which it considers to be proved by the evidence taken before the committing Magistrate.

Prisoner may apply for amendment.

9. Any accused person may apply to the Court for an amendment of the charge made against him; and in considering whether any error in a charge did in fact mislead the accused person, the Court shall take into account the fact that he did or did not make such an application.

Court may amend charge.

10. The Court may, upon the application of the accused person, or of the prosecutor, or upon its own motion, amend or alter any charge at any stage of the proceedings before the verdict of the jury is delivered. Such amendment shall be explained to the accused person.

When trial may proceed immediately after amendment.

11. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making such amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

When new trial may be directed or trial suspended.

12. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to

enable the accused person to make his defence to the amended or altered charge; and, after hearing his defence, the Court may, if it thinks fit, further adjourn the trial, to admit of the appearance of any witness whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

13. The charge, with such alterations (if any) as may have been made therein, shall be recorded in the High Court and a copy of such charge shall be given to the person gratis, if he demands it.

Charge to be recorded.

Copy of charge.

The person charged shall also be entitled to a copy of his own examination before the committing Magistrate, and to copies of the examinations of witnesses upon whose depositions he has been committed, and of all documents read and made exhibits as part of such depositions by the committing Magistrate, if the person charged demands them a reasonable time before the case comes on for trial and pays for the same a reasonable sum not exceeding one anna for each folio of ninety words.

Copies of depositions.

The Court may for any special reason remit any such payment.

14. When any charge, or portion of a charge, recorded as aforesaid appears to a Judge of the High Court, at any time before the commencement of the trial of the person charged, to be clearly unsustainable, such Judge may make on the charge an entry to that effect.

Entry on unsustainable charge.

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge (as the case may be), but shall not operate as an acquittal of the person charged.

Effect of entry.

15. In all cases of amendment or alteration of a charge during the trial, the prosecutor and accused person shall be allowed to recall and examine any witness who may have been examined.

Prosecutor and accused person may recall witnesses.

16. If the offence stated in the amended or altered charge be one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained; unless sanction has been already obtained for a prosecution on the same facts as those on which the amended or altered charge was founded.

Previous sanction to be obtained if offence in amended charge require it.

Joinder of Charges.

17. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases hereinafter excepted.

Separate charges for distinct offences.

Illustration.

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

18. When a person is accused of more offences than one of the same kind, committed within one year of each other, he may be charged and tried at the same time for any number of them not exceeding three.

More offences than one of same kind may be charged within a year of each other.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section twenty.

19. I. If in one series of acts, so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

Trial of more than one offence.

II. If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being, by which offences are defined or punished, the person accused of them may be charged with each of the offences so committed; but he must not receive a more severe punishment than could be awarded for any of such offences.

One offence falling within two definitions.

III. If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with every offence, or any of the different offences, which he may have committed; but he must not receive for such offences, collectively, a punishment more severe than that which might have been awarded for any one of such offences.

Acts severally constituting more than one offence, but collectively coming within one definition.

Illustrations.

To paragraph I.

(*a.*) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be separately charged with, convicted of, and punished for, offences under sections 225 and 333, Indian Penal Code.

(*b.*) A has in his possession several counterfeit seals with the intention of committing several forgeries. A may be separately charged with, convicted of, and punished for, the possession of each seal for a distinct forgery under section 473, Indian Penal Code.

(*c.*) A, with intent to cause injury to B, institutes proceedings against him, knowing there is no just or lawful ground for such proceedings. A also, in the course of the proceedings, falsely charges B with having committed an offence. A may be separately charged with, convicted of, and punished for, two offences under section 211, Indian Penal Code.

(*d.*) A, with intent to injure B, brings a false charge against him of having committed an offence. On the trial, A gives false evidence against B. A may be separately charged with, convicted of, and punished for, offences under sections 211 and 194 or 195, Indian Penal Code.

(*e.*) A, knowing that B, a female minor, has been kidnapped, wrongfully confines her and detains her as a slave. A may be separately charged with, convicted of, and punished for, offences under sections 368 (read with 367) and 370, Indian Penal Code.

(*f.*) A, with six others, commits the offences of rioting, grievous hurt to B, and of assaulting C, a public servant engaged in suppressing the riot. A may be separately charged with, convicted of, and punished for, offences under sections 147, 325 and 152, Indian Penal Code.

(*g.*) A criminally intimidates B, C and D at the same time. A may be separately charged with, convicted of, and punished for, each of the three offences under section 506, Indian Penal Code.

(*h.*) A intentionally causes the death of three persons by upsetting a boat. A may be separately charged with, convicted of, and punished for, three offences under section 302, Indian Penal Code.

To paragraph II.

(*i.*) A commits mischief by cutting down a tree in a Government forest. The tree overhangs the bank of a river and falls into the stream. A commits theft by having severed the tree and by floating it down the river to his village, where he sells it. A may be separately charged with, and convicted of, offences under sections 426 and 379, Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 379 only.

(*j.*) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 323 only.

(*k.*) A wrongfully kills a buffalo worth sixty rupees belonging to B, and then takes away the carcase in a manner amounting to theft. A may be separately charged with, and convicted of, offences under sections 429 and 379, Indian Penal Code; but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 429 only.

(*l.*) Several stolen sacks of corn are made over to A and B, who know they are stolen property. A and B thereupon assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414, Indian Penal Code; but the Court which tries them may not inflict a severer sentence than if it had convicted them under one of those sections only.

(*m.*) A uses a forged document in evidence, in order to convict B, a public servant, of an offence under section 167. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under one of those sections only.

To paragraph III.

(*n.*) A commits house-breaking by day with intent to commit adultery, and commits, in the house so entered, adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497, Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

(*o.*) A robs B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 392 or 394 only.

(*p.*) A entices B, the wife of C, away, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497, Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

20. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused person may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust, or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft or criminal breach of trust, or cheating.

21. If, in the case mentioned in section twenty, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence, for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

When a person is charged with one offence, he can be convicted of another.

Illustration.

A is charged with theft. It appears that he committed criminal breach of trust, or receiving stolen goods. He may be convicted of criminal breach of trust, or receiving stolen goods, though he was not charged with it.

22. When a person is charged with an offence, and part of the charge is not proved, but the part which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed, though he was not charged with it.

When offence proved included in offence charged.

Illustrations.

(*a.*) A is charged, under section 407, Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(*b.*) A is charged with murder. He may be convicted of culpable homicide, or of causing death by negligence.

23. When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another of abetment of, or attempt to commit, such offence, they may be charged and tried together or separately, as the Court thinks proper, and the provisions hereinbefore contained shall apply to all such charges.

What persons may be charged jointly.

Illustrations.

(*a.*) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(*b.*) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(*c.*) A and B are both charged with a theft, and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

24. No error, either in the way in which the offence is stated, or in the particulars required by the Code of Criminal Procedure to be stated, and no omission to state the offence, or to state those particulars, shall be regarded at any stage of the case as material, unless the person accused was in fact misled by such error or omission.

Effect of errors.

Illustrations.

(*a.*) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit;" the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(*b.*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(*c.*) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(*d.*) A is charged with the murder of Khodá Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(*e.*) A was charged with murdering Haidar Baksh on the 20th January, and Khodá Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khodá Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

25. If any Magistrate, or other authority purporting to exercise powers conferred, but not being actually so empowered, commits an accused person to take his trial before a High Court, the Court may, after perusal of the proceedings, accept the commitment if it considers that the accused person has not been prejudiced, unless objection was made on behalf either of the accused person or of the prosecution to the jurisdiction of the committing Magistrate during the inquiry and before the order of commitment.

When irregular commitments may be validated.

If such Court considers that the accused person was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

26. Pending the directions of the Court as to the place of trial, every person committed for trial shall (if not admitted to bail) be committed by the Magistrate for intermediate custody to the criminal jail in which he can be most conveniently confined.

Custody pending direction as to place of trial.

If the trial be directed to be held at the ordinary place of sitting of the Court, the Magistrate shall bind over the person charged to appear and take his trial at such place of sitting, or shall commit him to the jail at such place.

Procedure thereafter.

If the Court direct that the person charged be tried elsewhere than at its ordinary place of sitting, the Magistrate shall bind him over to appear and take his trial at the place so directed, or shall, if necessary, cause him to be removed to the criminal jail at or nearest to the place at which he is directed to be tried.

27. The Court may direct that all European British subjects committed or bailed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

Intermediate custody of European British subjects.

or direct that they shall be tried at a particular place named, and may also order that they shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

CHAPTER IV.

OF THE COMMENCEMENT OF THE TRIAL.

28. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

Commencement of trial.

29. If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

Plea of guilty.

30. If the accused person refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors as hereinafter directed, and to try the case.

Refusal to plead or claim to be tried.

31. Every person accused of an offence may of right be defended by any advocate of a High Court.

Right of accused to be defended.

Any such person may, with the permission of the Court (but not otherwise), employ any person not being an advocate, attorney or pleader, to assist him in his defence.

CHAPTER V.

OF JURIES.

(a) Of Juries generally.

32. All trials under this Act shall be by jury;

Trials to be by jury.

and, notwithstanding anything contained in section sixty-four of the Code of Criminal Procedure, in all criminal cases transferred to a High Court under that section or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the trial may, if the High Court so direct, be by jury.

33. The jury shall consist of nine persons, who shall be chosen by lot from the persons summoned to act as jurors: provided that, in case of a deficiency

Number of jurors.

of such persons, the number required may, with the leave of the Court, be chosen from such other persons as may be present.

34. Subject to the right of challenge hereinafter mentioned, the same jury may try as many accused persons successively as the Court thinks fit.

Successive trials by same jury.

35. If before the first juror is called and accepted, any European British subject charged as aforesaid requires to be tried by a mixed jury, the majority of the jurors shall consist of Europeans or Americans, or both Europeans and Americans.

Majority of jurors for trial of European British subjects.

36. In any case in which a European British subject is accused jointly with a person not being a European British subject, and such European British subject is committed for trial before a High Court, the person so jointly accused shall (if the committing Magistrate thinks that he ought to be tried) also be committed for trial before such High Court, notwithstanding any provision to the contrary in the Code of Criminal Procedure.

Trial of European British subject and Native jointly accused.

Such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

37. Provided that, if before the first juror is called and accepted the European British subject requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, and the person not being a European British subject requires that he shall be tried separately by a jury of which at least five members shall be persons not being Europeans or Americans, the latter person shall be tried separately.

Provisions for European British subject requiring majority of Europeans in jury.

Native may claim separate trial.

(b) Of Juries in the Presidency Towns.

38. Every person tried in Calcutta, Madras or Bombay, shall be tried before a special jury

Trials before special jury.

(*a*) if charged with having committed an offence punishable with death, or

(*b*) if in any other case a Judge of the High Court so directs.

39. The jurors' book for the year current when this Act comes into force, shall be taken as containing a correct list of persons liable to serve as jurors under this Act;

Jurors' book.

and those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this Act during the year for which the said list has been prepared.

40. The names of not more than two hundred persons shall at any one time be entered in the Special Jurors' list.

Number of special jurors.

41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries, but so long only as their names are contained in such list.

Exemption of special jurors.

42. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare

Lists of common and special jurors.

(*a*) a list of all persons liable to serve as common jurors;

(*b*) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list, merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council may exempt any salaried officer of Government from serving as a juror.

43. The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

Discretion of officer preparing lists.

44. Preparatory lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the officer by whom the same have been prepared, shall be published once in the local official Gazette before the fifteenth day of April next after their preparation.

Publication of lists.

Revised lists of persons liable to serve as common jurors and special jurors respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

45. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

Number of jurors to be summoned.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

Supplementary summons.

46. Any person summoned under section 45 who without lawful excuse fails to attend as required by the summons, or who having attended departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court after being ordered to attend, shall be deemed guilty of a contempt and be liable by order of the Judge to such fine as he thinks fit,

Failure of jurors to attend.

and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

47. Challenges without cause shown shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

Peremptory challenges.

The following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person or persons charged:—

Challenges on cause.

(*a*) Some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required by any law or rule having the force of law for the time being in force:

(*b*) Some presumed or actual partiality in the juror:

(*c*) A previous conviction of the juror of a non-bailable offence under the Indian Penal Code, or of a similar offence under any other law in force in British India:

(*d*) Inability to understand English when spoken.

48. The Judge before whom a person charged is about to be tried shall try any challenge, other than a challenge without cause shown; and if the Judge allow the challenge, the juror shall be set aside.

Trial of challenges.

The decision of the Judge as to any challenge shall be final.

49. Save as herein provided, the High Courts of Judicature at Fort William, Madras and Bombay shall retain all their present powers respecting the summoning, empannelling, qualification, challenging, and service of jurors,

Powers of Presidency High Courts as to jurors.

and shall have power to make such rules on these subjects (consistent with the provisions of this Act) as seem to them to be proper.

All rules relating to jurors now in force in the same High Courts shall (so far as they are consistent with this Act) remain in force until repealed or altered by new rules made under this section.

(c) Of Juries in the Mofussil.

50. Whenever a High Court has given notice of its intention to hold sittings at any place (other than the towns of Calcutta, Madras and Bombay) for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, take and cause to be taken the measures prescribed by sections 407, 409, 410 and 411 of the Code of Criminal Procedure for the summoning of jurors.

Summoning jurors.

51. In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the military service, resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of European British subjects charged with offences before the High Court as aforesaid.

Military jurors.

All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such juries notwithstanding anything contained in the Code of Criminal Procedure; but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

52. The juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned in accordance with sections 50 and 51.

Juries for trial of European British subjects.

53. As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused person shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be made to such juror by the accused person, or by the prosecutor, and the grounds of objection shall be stated.

Objections to jurors.

54. Any objection made to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

Grounds of objection.

(*a*) his holding any office in or under the Court or the local Court of Session;

(*b*) his executing any duties of Police or being entrusted with any Police functions;

(*c*) his having been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Court, renders him unfit to serve on the jury;

(*d*) his having by habit or religious vows relinquished all care of worldly affairs;

(*e*) his standing in the relation of husband, master, servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person accused;

(*f*) his being in the employment of any of such persons;

(*g*) his being plaintiff or defendant in any civil suit against any of such persons;

(*h*) his having complained against, or having been accused by, any of such persons in any criminal prosecution;

(*i*) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, any of such persons, or which renders such person improper as a juror.

55. Any objection made to a juror shall be decided by the Court, and such decision shall be final.

Decision of objection.

56. If the objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons; or, if there be no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such other juror or person be made and allowed under section 54.

Supply of place of juror against whom objection allowed.

57. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

Juror to understand language in which evidence is given or interpreted.

(d) Of the Foreman.

58. When the jury has been completed, they shall appoint one of their number to be foreman.

Foreman of jury.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of the jury, and to ask any information from the Court that may be required by the jury or any of the jurors.

If a majority of the jury do not agree in the appointment of a foreman, he shall be appointed by the Court.

CHAPTER VI.

OF THE TRIAL.

59. The prosecutor shall then open his case, and the witnesses shall be examined, cross-examined and re-examined according to the law for the time being relating to the examination of witnesses.

Examination of witnesses.

60. The examination of the accused person before the committing Magistrate shall be given in evidence at the trial.

Examination of accused before Magistrate to be evidence.

61. The Court may from time to time, at any stage of the trial, examine the accused person.

Examination of accused.

The accused person shall not be liable to any punishment for refusing to answer, or for answering falsely, questions asked under this section, but the Court shall draw such inference as seems just from such refusal or false answer.

Accused not punishable for refusal to answer.

No oath or affirmation shall be administered to the accused person.

62. When the examination of the witnesses for the prosecution and the examination of the accused person are concluded, the accused person shall be asked whether he means to call witnesses. If he says that he does not, the prosecutor may sum up his case. The Court may then, if it thinks that there are no grounds for proceeding, direct the jury to return a verdict of acquittal.

Defence.

If the Court considers that there are grounds for proceeding, it shall call on the accused person to state his grounds of defence and produce his witnesses.

The accused person, or his Counsel may then state the case for the defence, and may examine the witnesses, if any, produced for the defence, and at the conclusion of such examination may sum up his case.

63. If any evidence is adduced on behalf of the accused person, the prosecutor shall be entitled to reply.

Prosecutor's right of reply.

64. Whenever, in the opinion of the Court, it is proper and convenient that the jury should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the inquiry in the trial took place, an order shall be made to that effect, and the jury shall be conducted in a body, under the care of an officer of the Court, to such place, which shall be shown to them by a person appointed by the Court. Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury.

View by jury.

65. The High Court may from time to time make rules as to keeping the jury together during a trial lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the Court, or whether they shall be allowed to return to their respective homes.

Locking-up jury.

66. The Court may, in its discretion, postpone the hearing of the case; and may, from time to time, adjourn the trial, if it considers that such adjournment is proper and will promote the ends of justice.

Postponement of trial. Adjournment.

67. If a trial is adjourned, the jury shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

Jury to attend at adjourned sitting.

68. The Court may, if it think fit, from time to time, by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

Power to prescribe mode in which evidence shall be taken down.

69. If a juryman is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be examined, cross-examined and re-examined, in the same manner as any other witness.

Evidence of jurors.

70. When the services of an interpreter are required by the Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

Interpreter.

CHAPTER VII.

OF EVIDENCE.

71. The examination of a Civil Surgeon or other medical witness, taken and duly attested by a Magistrate, may be given in evidence in any criminal trial, although the person examined is not called as a witness.

Evidence of medical witness.

The Court may summon such Civil Surgeon or other medical witness, if it sees sufficient cause for doing so.

Court may summon medical witness.

72. Any document purporting to be a report from the Chemical Examiner, or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report, in the course of any criminal

Report of Chemical Examiner.

trial, or in any preliminary inquiry relating thereto, may, if it bears his signature, be used as evidence in any criminal trial.

Genuineness of signature may be presumed.

The Court may presume that the signature of any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

Admission of accused.

73. If, after the commencement of the trial, the accused person admits before the Court the commission of an offence, the Court may convict him on his own admission, whether such offence is the same as the offence of which he is accused, or not.

Record of evidence in absence of accused.

74. If an accused person abscond, and after due pursuit cannot be arrested, the Court may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions; and any such deposition may, on the arrest of such person, be put in on his trial for the offence with which he is charged if it is not practicable to procure the attendance of the deponent.

Evidence given at preliminary inquiry.

75. When a witness is produced, the evidence (if any) given by him before the committing Magistrate may, in the discretion of the presiding Judge, be treated as evidence in the case, if it was duly taken in the presence of the accused person.

EXPLANATION.—This section shall not authorize the Court to refer to the record of the evidence given by a witness who is absent, except in the cases in which such evidence may be referred to under the Indian Evidence Act, 1872, or other law in force for the time being upon the subject of evidence.

Commissions.

When a commission may issue.

76. Whenever, at any time after the commitment, it appears that the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may dispense with his personal attendance.

Mode of issuing commission.

The Court may direct a commission to the Magistrate of the District, or to a Magistrate of the first class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed to the place where such witness is, or shall summon such witness before himself. Such Magistrate shall take the evidence of such witness in the same manner, and shall have for this purpose, and may exercise, the same powers as in trials of warrant cases under the Code of Criminal Procedure.

Where witness is in a Native State.

When the witness is in the territories of any Native Prince or State in India in alliance with Her Majesty, the commission may be directed to any Justice of the Peace or other officer in the service of the Crown resident in such territories; and the provisions of the second clause of this section shall apply to such Justice of the Peace or officer.

Where witness is in a Presidency Town.

If the witness is within the local limits of the ordinary original criminal jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, the commission may be directed to any Police Magistrate within such limits, and such Magistrate shall have the like power to compel the attendance and examination of witnesses as he possesses for that purpose in cases pending before him.

Prosecutor and accused may examine witness.

The prosecutor and the accused person may forward interrogatories, upon which the officer to whom the commission is directed shall examine the witness, or the prosecutor may appear personally before the officer to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

Return of commission.

After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto, and the deposition of such witness may be used as evidence in the case and shall form part of the record.

Tender of Pardon to obtain Evidence.

Court may direct tender of pardon.

77. The Court may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in, or privy to, any offence mentioned in column 7 of the fourth schedule annexed to the Code of Criminal Procedure as triable exclusively by the Court of Session, instruct the committing Magistrate to tender, or itself may, at any time before judgment, tender, a pardon to such person or persons, on condition of his or their making a full, true and fair disclosure of the whole of the circumstances, within his or their knowledge, relative to the crime committed and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case, under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

Commitment of person to whom pardon has been tendered.

78. When a pardon has been tendered under section 77, if it appears to the Court that any person who has accepted such tender has not conformed to the conditions under which it was made, either by wilfully concealing anything essential, or by giving false evidence, the Court may commit, or direct the commitment of, such person, for trial for the offence in respect of which the pardon was so tendered, or for any other offence of which he may appear to have been guilty in connection with the same matter.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

Of securing Attendance of Witnesses and Production of Documents.

Procedure for obtaining attendance of witnesses.

79. The following procedure shall be pursued in order to obtain the attendance of witnesses before the Court.

Power to summon material witness or examine person present.

80. The Court may, at any stage of any proceeding, inquiry or trial, summon any witness, or examine any person in attendance though not summoned as a witness, and it shall be its duty to do so if the evidence of such person appears essential to the just decision of the case.

When warrant of arrest may issue in first instance.

81. If the Court has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, it may, instead of issuing a summons, issue a warrant of arrest in the first instance.

Procedure when warrant cannot be served.

82. If such warrant cannot be executed, and the Court considers that the witness is absconding or concealing himself for the purpose of avoiding the service thereof, it may issue a proclamation, requiring his attendance to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

If the witness does not attend at the time and place named in such proclamation, the Court may order the attachment of any moveable property belonging to such witness, to such amount as seems reasonable, not being in excess of the amount of costs of attachment and of any fine to which he may be liable under the provisions of the next following section.

Such order shall authorize the attachment of any such moveable property within the jurisdiction of the Court by which the order was made; and if any such moveable property be without the jurisdiction of the said Court, such order when endorsed by the Magistrate of the District in which such property is situated shall authorize the attachment of the property last aforesaid.

Release of attached property of witness appearing and satisfying Court.

83. If the witness appears and satisfies the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property attached be released from attachment, and shall make such order in regard to the costs of the attachment as the Court thinks fit.

Sale of property of witness not appearing or not satisfying Court.

If such witness does not appear, or, appearing, fails to satisfy the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Court may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which may be imposed upon such witness under the provisions of section 172 of the Indian Penal Code.

If the witness pays to such Court the costs and fine aforesaid, his property shall be released from attachment.

Liability of person disobeying summons.

If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Court, upon proof of the summons having been duly served, may issue a warrant under its seal to bring such person before it to testify as aforesaid.

Right of accused as to examination of witness.

85. The accused person shall be allowed to examine as a witness any person in attendance.

Procedure for obtaining production of document required as evidence.

86. Whenever the Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, the Court may issue a summons to the person in whose possession or power such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

When warrant for search for documents may issue.

87. If there is reason to believe that the person to whom the summons is addressed will not produce the document as directed in the summons, the Court may issue a search-warrant for the document in the first instance.

Power to impound document produced.

88. The Court may, if it thinks fit, impound any document produced before it, or may, at the conclusion of the proceedings, order such document to be returned to the person who produced it.

Procedure in case of refusal to answer or produce documents.

89. If a witness refuses to answer any question which is put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any just excuse for such refusal, he shall be deemed guilty of contempt of Court.

CHAPTER VIII.

OF THE CHARGE TO THE JURY.

Charge to jury.

90. When the case for the defence and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

Duty of Judge.

91. It is the duty of the Judge to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence, or the propriety of questions asked by parties or their agents, which may arise in the course of the trial; and, in his discretion, to prevent the production of inadmissible evidence, whether it is or is not objected to by the parties;

to decide upon the meaning and construction of all documents given in evidence at the trial;

to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given;

to decide whether any question which arises is for himself or for the jury; and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his

opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(*a.*) It is proposed to prove a statement made by a person not called as a witness, under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(*b.*) It is proposed to give secondary evidence of a document, the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

CHAPTER IX.

OF THE VERDICT AND THE DISCHARGE OF THE JURY.

92. After the Judge has finished his charge, the jury may retire to consider their verdict.

Retirement to consider.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Duty of jury.

93. It is the duty of the jury—

(*a*) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(*b*) to determine the meaning of all technical terms and words used in an unusual sense, which it may be necessary to determine, whether such words occur in documents or not;

(*c*) to decide all questions which according to law are to be deemed questions of fact;

(*d*) to decide whether general, indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(1.) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(2.) The question is, whether a person entertained a reasonable belief on a particular point. Whether work was done with reasonable skill, or due diligence.

Each of these is a question for the jury.

94. When the jury have considered their verdict, the foreman shall inform the Court what is their verdict, or what is the verdict of a majority.

Foreman to communicate verdict.

95. The jury shall return a verdict on all the charges on which the accused is tried, and the Court may ask them such questions as are necessary to ascertain what their verdict is.

Verdict to be given on each charge.

Judge may question jury.

96. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

Procedure where jury differ.

97. A verdict of guilty or not guilty, as the case may be, shall be delivered either when the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them.

Verdict when to be delivered.

98. When the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

Discharge of jury in default of unanimity or majority of six with Judge's concurrence.

If the Judge disagrees with the majority, he shall then discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

99. The Judge may also discharge the jury whenever by reason of illness a juryman becomes incapable of attending through the trial or the prisoner becomes incapable of remaining at the bar.

Discharge of jury in case of sickness of juror or prisoner.

100. Whenever the jury is discharged, the prisoner shall be detained in custody or on bail (as the case may be) and shall be tried by another jury unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

Re-trial of prisoner after discharge of jury.

101. When any person has in a trial before a Judge of the High Court acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve for the decision of a Court consisting of two or more Judges of the High Court any question of law which has arisen in the course of the trial of such person and the determination of which would affect the event of the trial.

Power to reserve questions.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge think fit, be admitted to bail,

Procedure when question reserved.

and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the High Court seem fit.

102. When more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the prosecutor may, with the consent of the Court, withdraw, or the Court of its own accord may direct the withdrawal of, the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

Withdrawal of remaining charges, on conviction on one of several charges.

CHAPTER X.

OF THE SENTENCE.

103. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge who issues it.

Form and direction of warrant of commitment.

104. In the case of a High Court holding its sittings elsewhere than in the towns of Calcutta, Madras or Bombay, the provisions of the Code of Criminal Procedure, sections 303, 304 and 305, shall apply to the officers therein mentioned.

Provisions of Criminal Procedure Code, ss. 303, 304, 305, applied in Mofussil.

105. Whenever an offender is sentenced to pay a fine, the Court may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Levy of fine.

Such warrant may be executed within the jurisdiction of the Court, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court, when endorsed by the Magistrate of the District in which such property is situate.

This section shall not apply to cases in which any special procedure is laid down by any special or local law in force for the time being for the recovery of any fine, but shall apply in cases in which no such procedure is laid down, and to all fines not levied when this Act comes into force, but which might have been levied under this section if it had been in force when they were imposed.

Cases to which section applies.

106. Whenever the Court imposes a fine under any law in force for the time being, the Court may order the whole or any part of the fine to be paid in compensation,

Payment of fine in compensation.

(*a*) for expenses properly incurred in the prosecution;

(*b*) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

In any subsequent civil proceedings relating to the same matter, the Court shall take into account any sum which may have been awarded under this section.

107. In every case punishable under any law in force for the time being with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the High Court shall be guided by the provisions of sections 64, 65, 68, 69 and 70 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine.

Imprisonment in default of payment of fine.

108. Sentences of whipping shall be executed in manner provided by the Code of Criminal Procedure, sections 311, 312 and 313.

Execution of sentences of whipping.

109. When a person is convicted, at one trial, of two or more offences punishable under the same or different sections of any law for the time being in force, the Court may sentence him, for the offences of which he has been convicted, to the several penalties prescribed by such enactment or enactments, which such Court is competent to inflict; such penalties, when consisting of imprisonment, or transportation, or penal servitude, to commence the one after the expiration of the other:

Sentence in cases of simultaneous conviction of several offences.

Provided that in no case shall such person be sentenced to imprisonment for a longer period than fourteen years.

Maximum term of imprisonment.

110. When sentence of death or whipping is passed on an escaped convict, the Court shall direct the new sentence to take effect without waiting for the expiration of the sentence from which he has escaped.

Currency of sentence on escaped convicts.

When any other sentence is passed on an escaped convict severer than the sentence from which he has escaped, the Court shall also direct the new sentence to take effect without waiting for the expiration of the sentence from which he escaped.

When the new sentence is not severer than the sentence from which he has escaped, the Court shall direct the new sentence to take effect after such convict has suffered imprisonment, or transportation, or penal servitude, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

When the former sentence on the escaped convict is or includes transportation or penal servitude for life and the Court does not sentence him to death, the new sentence shall direct that he be, as soon as practicable, sent back to the place from which he escaped.

EXPLANATION.—For the purpose of this section—

(*a*) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment:

(*b*) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of imprisonment without solitary confinement; and

(*c*) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

111. When sentence is passed on a person actually undergoing sentence of imprisonment or transportation, and the sentence is for imprisonment or transportation, the Court shall direct such imprisonment or transportation to commence at the expiration of the imprisonment or transportation to which he has been previously sentenced;

Sentence on offender already sentenced for another offence.

or, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be for transportation or penal servitude, the Court may direct the sentence to commence immediately, or at the expiration of the im-

prisonment to which such person has been previously sentenced:

Proviso.

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

Confinement of youthful offenders in reformatories.

112. When any person under the age of sixteen years is sentenced to imprisonment for any offence, the Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Sentence of death.

113. When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

Postponement of capital sentence on pregnant woman.

114. If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence.

Order for disposal of property regarding which offence committed.

115. When the trial is concluded, the Court may make such order as it thinks fit for the disposal of any property produced before it, regarding which any offence appears to have been committed.

Any order under this section may be in the form of a reference to a Magistrate, who shall in such case deal with the property as if it had been seized by the Police and the seizure duly reported to him.

EXPLANATION.—In this section the term 'property' includes not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

Expenses of complainants and witnesses.

116. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General in Council, the Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

CHAPTER XI.

OF PREVIOUS CONVICTIONS OR ACQUITTALS.

Person once convicted or acquitted not to be tried for same offence.

117. A person who has once been tried for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 20, or for which he might have been convicted under section 21.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section 19, paragraph I.

A person convicted or acquitted of any offence in respect of any act causing consequences which, together with such act, constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was acquitted or convicted.

A person convicted or acquitted of any offence in respect of any facts may, notwithstanding such acquittal or conviction, be subsequently charged with and tried for any other offence which he may have committed in respect of the same facts, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

(*a.*) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged with the same theft as a servant, or, upon the same facts, with theft simply or with criminal breach of trust.

(*b.*) A is tried upon a charge of murder and acquitted. There is no charge of robbery; but it appears from the facts that A committed robbery at the time when the murder was committed; he may afterwards be charged with, and tried for, robbery.

(*c.*) A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(*d.*) A is tried under section 270 of the Indian Penal Code for malignantly doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged, under section 325, with voluntarily causing grievous hurt to that person.

(*e.*) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried for the murder of B on the same facts.

(*f.*) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B, on the same facts, unless the case comes within paragraph three.

(*g.*) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(*h.*) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for, dacoity, on the same facts.

Previous conviction to be set out in charge.

118. If the accused person has been previously convicted of any offence, and if it is intended to prove such previous conviction for the purpose of affecting the punishment which is to be awarded, the fact of the previous conviction must be stated in the charge. If it is omitted, it may be added at any time before sentence is passed, but not afterwards.

Previous conviction or acquittal how proved.

119. A previous conviction or acquittal may be proved by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the finding and sentence.

CHAPTER XII.

OF CRIMINAL LUNATICS.

Procedure in case of person committed being lunatic.

120. If any person committed for trial appears at his trial to the Court to be of unsound mind and incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence; and thereupon the trial shall be postponed.

The trial of the fact of the unsoundness of mind of the accused person shall be deemed to be part of his trial before the Court.

Release of lunatic pending investigation or trial.

121. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Court, if the offence of which he is accused be bailable, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

Custody of lunatic.

If the offence be not bailable, or if the required bail be not given, the Court shall report the case to the Local Government, and the accused person shall be kept in safe custody in such place as the Local Government directs.

Resumption of trial.

122. Whenever a trial is postponed under section 120, the Court may at any time resume the trial, and require the accused person, if detained in custody, to be brought before the Court; or, if he has been released on security, may require his appearance.

The surety of such person shall be bound, at any time, to produce him to any officer whom the Court appoints to inspect him; and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the Visitors of Lunatic Asylums, granted under section 127.

Procedure on accused appearing before Court.

123. If, when the accused person appears or is again brought before the Court, it appears to such Court that he is in a fit state of mind to make his defence, he shall be put on his trial.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Court shall again act according to the provisions of section 121.

Finding in case of acquittal on ground of being lunatic.

124. Whenever any person is acquitted upon the ground that, at the time at which he is charged with having committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether such person committed the act or not.

Person so acquitted to be kept in safe custody.

125. Whenever such finding states that the accused person committed the act charged, the Court before which the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order him to be kept in safe custody, in such place and manner as the Court thinks fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

Lunatic prisoners to be visited by Inspector General.

126. When any person is confined under the provisions of section 121 or 125, the Inspector General of Prisons, if such person is confined in a jail, or the Visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such Visitors as aforesaid; and such Inspector General or Visitors shall make a special report to the Local Government as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

127. If such person is confined under section 121 and such Inspector General or Visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Court, at such time as it appoints, and the Court shall deal with him under the provisions of section 123; and the certificate of such Inspector General or Visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 125 is declared capable of being discharged.

128. If such person is confined under the provisions of section 125, and such Inspector General or Visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum, if he has not been already sent to such an Asylum; and may appoint a commission, consisting of a judicial officer and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal inquiry into the state of mind of such person taking such evidence as is necessary, and shall report to the Local Government, who may order his discharge or detention as to it may seem fit.

Delivery of lunatic to care of relative.

129. Whenever any relative or friend of any person detained under the provisions of section 125 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order that the person detained be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be subject to be inspected by such officer, and at such times as the Local Government directs.

The provisions of sections 126 and 128 shall apply to persons detained under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt

with as a certificate of the Inspector General of Prisons or the Visitors of Lunatic Asylums, under the said sections.

Procedure where accused does not understand the proceedings.

130. If an accused person, though not insane, cannot be made to understand the proceedings, the Court may proceed with the trial; and if such trial results in a conviction, the Court shall pass thereon such order as it thinks fit.

CHAPTER XIII.

OF PROSECUTIONS IN CERTAIN CASES.

Prosecutions for offences against the State.

131. A complaint of an offence punishable under chapter VI of the Indian Penal Code, except section 127, or punishable under section 294 A of the said Code, shall not be entertained, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

Prosecution of Judges and public servants.

132. A complaint of an offence of which any Judge or any public servant not removeable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained against him, except with the sanction or under the direction of the Government, or of some officer empowered by the Government, or of some Court or other authority to which he is subordinate, and whose power so to sanction or direct such prosecution the Government does not think fit to limit or reserve.

No such Judge or public servant shall be prosecuted for any act purporting to be done by him in the discharge of his duty, unless with the sanction of the Government.

Sanction when to be given.

The sanction must be given before the commencement of the proceedings.

In this section the expression 'Government' means either the Local Government or the Governor General in Council; and the expressions 'Judge' and 'public servant' have the meanings assigned to them respectively by the Indian Penal Code.

Prosecution for contempts of the lawful authority of public servants.

133. A complaint of any offence described in chapter X of the Indian Penal Code, not falling within section 175, 178, 179 or 180 of that Code, shall not be entertained by any High Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

Nature of sanction necessary.

134. The sanction referred to in section 133 may be expressed in general terms, and need not name the accused person, and may be given at any time.

EXPLANATION.—In cases under this chapter, the report or application of the public servant shall be deemed sufficient complaint.

Procedure in cases mentioned in section 133.

135. When the Court is of opinion that there is sufficient ground for inquiring into any charge mentioned in section 133, it may, before making such preliminary inquiry as may be necessary, either commit the case itself, or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law; and the Court may send the accused person in custody, or take sufficient bail for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial or inquiry.

The Magistrate receiving the case may, if he is authorised to make transfers of cases, transfer the inquiry to some other competent Magistrate, instead of completing the inquiry himself.

CHAPTER XIV.

OF BAIL.

Power to direct admission to bail.

136. The Court may in any case direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

Procedure to compel payment of penalty by accused.

137. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance, it shall proceed to enforce the penalty, by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within its jurisdiction.

Such warrant may be executed within such limits, and it shall authorize the distress and sale of any moveable property belonging to the accused person without such limits, when endorsed by the Magistrate of the District in which such property is situate.

Procedure to compel payment of penalty by sureties.

138. Whenever, by reason of default of appearance by the person bailed, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, it shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If such penalty be not paid, and if no sufficient cause for its non-payment be shown, the Court shall proceed to recover the penalty from such surety or sureties, by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within its jurisdiction.

Such warrant may be executed within such local limits; and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without such limits, when endorsed by the Magistrate of the District in which such property is situate.

If such penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Court, in the civil jail, during a period not exceeding six months:

Remission of part of penalty.

Provided that the Court may, at its discretion, remit any portion of the penalty mentioned in the recognizance of the party or witness, or of the surety or sureties, and enforce payment in part only:

The Court may direct any Magistrate to levy the amount due on a forfeited bail-bond executed in respect of attendance before such Court.

Court may direct Magistrate to levy sum forfeited.

139. When any person is required to give bail, the Court may permit him to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

Deposit instead of bail.

CHAPTER XV.

OF SECURITY FOR KEEPING THE PEACE.

Personal recognizance to keep the peace in cases of conviction.

140. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence,

and the Court is of opinion that it is just and necessary to require such person to give a personal recognizance for keeping the peace,

the Court may, in addition to any other order passed in the case, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding three years, with a provision that, if the same be not given, he shall be kept in simple imprisonment for any time not exceeding three years, unless within such period he executes such formal engagement as aforesaid.

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance, and the imprisonment in default of executing such recognizance, shall commence on the expiration of his sentence.

Security to keep the peace.

141. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court empowered to require a personal recognizance may require security in addition thereto, and may fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in simple imprisonment for any time not exceeding three years.

Power to restore possession of immoveable property.

142. Whenever a person is convicted of an offence attended with criminal force, and it appears to the Court that, by such criminal force, any person has been dispossessed of any immoveable property, the Court may cause such person to be restored to possession.

No order made for this purpose shall prejudice any right over such immoveable property which any person may be able to show in a civil suit.

CHAPTER XVI.

MISCELLANEOUS.

Saving of Acts XV of 1869, and V of 1871.

143. Nothing herein contained shall be deemed to affect the Prisoners' Testimony Act, 1869, or the Prisoners Act, 1871.

Advocate General may exhibit informations.

144. The Advocate General may, with the previous sanction of the Governor General in Council or the Local Government, exhibit to the local High Court, against persons subject to the jurisdiction of the said Court, informations for all purposes for which Her Majesty's Attorney-General may exhibit informations on behalf of the Crown in the Court of Queen's Bench or Exchequer.

Such proceedings may be taken upon every such information as may lawfully be taken in case of similar informations filed by Her Majesty's Attorney-General in England, so far as the circumstances of the case and the course and practice of proceeding in the said High Courts respectively will admit.

All fines, penalties, forfeitures, debts and sums of money recovered or levied under or by virtue of any such information shall belong to the Government of India.

Effect of charge preferred by Advocate General.

145. Upon charges preferred by the Advocate-General or by any Magistrate or other officer specially empowered by the Government in this behalf, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions herein contained as to the amendment and alteration of charges, and subject also to the provisions of section 24) shall be tried upon the charges so recorded.

Power to enter *nolle prosequi*.

146. At any stage of any proceeding under this Act, before the return of the verdict, the Advocate General may, if he think fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the information or charge; and thereupon all proceedings on such information or charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

Power of Presidency High Court to transfer to itself cases from Police Magistrates.

147. Whenever it appears to the High Court of Judicature at Fort William, Madras or Bombay that the direction hereinafter mentioned will promote the ends of justice, it may direct the transfer to itself of any particular case from any criminal court situate within the local limits of its ordinary original criminal jurisdiction, and the High Court shall have power to determine the case so transferred, and to quash or affirm any conviction or other proceeding which may have been had therein, but so that the same be not quashed for want of form, but on the merits only.

Power to issue directions of the nature of a *habeas corpus*.

148. Any of the High Courts of Judicature at Fort William, Madras and Bombay may, whenever it thinks fit, direct—

(a) that a prisoner, legally committed and within the local limits of its ordinary original criminal jurisdiction, be brought up before it to be bailed:

(b) that a person within such limits be brought up before the Court to be dealt with according to law:

(c) that a person illegally or improperly detained in public or private custody within such limits be set at liberty:

(*d*) that a prisoner detained in any gaol situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court:

(*e*) that a prisoner detained as aforesaid be brought before a Court Martial or any Commissioners acting under the authority of any commission from the Governor-General in Council, for trial, or to be examined touching any matter depending before such Court Martial or Commissioners respectively:

(*f*) that a prisoner within such limits be removed from one custody to another for the purpose of trial:

(*g*) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment;

and neither the High Court nor any Judge thereof shall hereafter issue any writ of *habeas corpus* for any of the above purposes.

Each of the said High Courts shall, as soon as conveniently may be, frame rules to regulate the procedure in cases under this section; and till such rules are framed, the practice of such Courts as to the obtaining, granting and serving of writs of *habeas corpus*, and as to the returns thereto, shall apply in such cases.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the Acts of the Governor-General in Council No. XXXIV of 1850 or No. III of 1858.

149. Affidavits and affirmations to be used before any High Court or any officer of such Court, may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorised to take affidavits or affirmations in Scotland.

Courts and persons before whom affidavits may be sworn.

150. Every High Court in the exercise of its original Criminal Jurisdiction shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

Criminal Courts to be open.

But the presiding Judge may, if he thinks fit, order that, during the trial of any particular case, no person shall have access to, or be, or remain in, the room or building used by the Court, without the consent or permission of the Court.

151. In the case of offences which may lawfully be compounded, injured persons may compound the offence out of Court, or in Court with the permission of the Court.

Compounding offences.

Such withdrawal from the prosecution shall have the effect of an acquittal of the accused person.

152. Every Judge of a High Court shall, by virtue of his office, be a Justice of the Peace within and for the whole of British India.

Judges of High Courts to be Justices of the Peace *virtute officii*.

153. Cases pending, when this Act comes into force, in any High Court in the exercise of its original criminal jurisdiction shall be decided, as far as may be, according to the procedure provided in this Act.

Pending cases.

THE SCHEDULE.

(*See section* 2.)

ACTS.

No. and year.	Subject or Title.	Extent of repeal.
XXXI of 1838.	Supreme Courts, Criminal Law.	So much as has not been repealed.
XXII of 1839.	An Act for enabling persons charged with offences to make their defence more effectually.	So much as has not been repealed.
IV of 1849	Criminal lunatics ...	So much as has not been repealed.
XVI of 1852.	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	So much as has not been repealed.
XVIII of 1859.	An Act to amend the law relating to offences declared to be punishable on conviction before a Magistrate.	So much as has not been repealed.
XVIII of 1862.	An Act to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature.	Sections 1 to 25 (both inclusive): sections 36 to 46 (both inclusive): and sections 54, 55 and 56.
XIII of 1865.	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	So much as has not been repealed.
IV of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections 21 to 41 (both inclusive), and section 20, except the first twenty-two words.
XVI of 1866	An Act to relieve the Governor General of India in Council from the duty of signing the commissions mentioned in sections 22 and 44 of the High Courts Criminal Procedure Amendment Act, 1865.	The whole.
XXIV of 1866.	An Act to amend the procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William.	Sections 2 to 17 (both inclusive).

ACTS,—*concluded*.

No. and year.	Title.	Extent of repeal.
XIII of 1869.	An Act further to amend the procedure of the High Court of Judicature for the North-Western Provinces.	Sections 1 and 2, and so much of sections 3 and 4 as relates to criminal jurisdiction.
XXII of 1870.	An Act to confirm certain laws affecting European British subjects.	Section three.

STATUTES.

No. and year.	Title or abbreviated Title.	Extent of repeal.
13 Geo. III, c. 63.	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 34. In section 38 the words "and the Chief Justice and other Judges of the said Supreme Court of Judicature."
33 Geo. III, c. 52.	*An Act whose title begins with the words* An Act for continuing, *and ends with the words* and Bombay.	Sections 153 and 154.
53 Geo. III, c. 155.	*An Act whose title begins with the words* An Act for continuing, *and ends with the words* Company's Charter.	Sections 100, 102, 103.
9 Geo. IV, c. 74.	An Act for improving the administration of Criminal Justice in the East Indies.	The whole Act except sections one, seven, eight, nine, twenty-five, twenty-six, and fifty-six.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1875, and is hereby promulgated for general information:—

ACT No. XI OF 1875.

An Act to amend the Law relating to Salt in the Presidency of Fort St. George.

WHEREAS it is expedient to amend the law relating to the price of salt sold under the orders of Government in the Presidency of Fort St. George; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Madras Salt Act, 1875:"

Short title.

It extends to the territories under the government of the Governor of Fort St. George in Council;

Local extent.

And it shall come into force at once.

Commencement.

2. The Governor General in Council may from time to time, by notification published in the *Gazette of India*, impose, for any local area, a duty on salt manufactured or sold therein under the orders of the Governor of Fort St. George in Council, not exceeding one rupee and thirteen annas for every maund of three thousand two hundred tolas.

Power to impose, for any local area, duty on salt manufactured or sold under orders of Government.

3. Whenever any such notification is published, the enactments mentioned in the schedule hereto annexed shall be repealed in such local area, and the Local Government shall from time to time, by notification in the *Fort St. George Gazette*, fix as part of the price of every maund of salt so to be sold within such local area, or any part thereof, such additional sum or sums as it may deem sufficient to cover the cost of importation, purchase, manufacture, storage, transport, sale and wastage.

Power to impose, for any local area, additional sum to cover cost of salt.

4. The Local Government may vary such additional sum or sums for any description of salt, or for any part of such local area, with reference to all or any of the following considerations (namely):—

(*a*) the place in which the salt is sold;

(*b*) the quantity of the salt sold in any transaction;

(*c*) any other circumstances affecting its sale.

Power to alter additional sum.

5. The price to be paid to the Local Government in any part of any local area mentioned in any notification under section three or four shall, for every maund of salt sold in such area or part, be the total amount of the duty and additional sum for the time being so imposed and fixed for such salt as aforesaid.

Price to be paid in each local area for salt sold.

The price payable in any local area for any description of salt at the date of the publication of any notification under section two, shall be taken to be the price payable under this section for such description of salt until an additional sum is fixed under section three for such area.

SCHEDULE.

(*See section* 3).

The following portions of Act No. XXIV of 1869 (*to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay*), namely,

in the title, the words "the price of salt in the Presidency of Fort St. George and":

in the preamble, the words "the price of salt manufactured and sold in the Presidency of Fort St. George and"; and

in section two, paragraph one and the first word of paragraph two,

and so much of the second Schedule to the Laws Local Extent Act, 1874, as refers to Act No. XXIV of 1869.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and is hereby promulgated for general information:—

ACT No. XII OF 1875.

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THE FIRST SCHEDULE.—Ports, vessels chargeable, rate of port-dues, and frequency of payment.

THE SECOND SCHEDULE.—Enactments repealed.

An Act to consolidate and amend the law relating to Ports and Port-dues.

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Indian Ports Act, 1875:"

Short title.

2. It shall extend—

Present local extent.

(*a*) to the ports mentioned in the first schedule hereto annexed, and to such parts of the navigable rivers and channels leading to such ports respectively, as have been declared to be subject to Act No. XXII of 1855 (*for the regulation of Ports and Port-dues*);

Power to extend this Act.

(*b*) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act.

But nothing herein contained shall—

(*c*) apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State;

(*d*) deprive any person of any right of property or other private right except as hereinafter expressly provided; or

(*e*) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto.

And nothing contained in any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government.

3. The Acts mentioned in the second schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Repeal of Acts.

Every declaration, appointment or rule made under any such Act and now in force shall be deemed to have been made under this Act.

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be.

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

Interpretation-clause.

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

"Vessel."

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

"Master."

"Pilot" means a person for the time being authorized by the Local Government to pilot vessels:

"Pilot."

"Owner" includes also any agent to whom a vessel is consigned:

"Owner."

"Gunpowder" includes also rockets and other combustible ammunition:

"Gunpowder."

"Magistrate" means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police; and

"Magistrate."

"Port" includes also any part of a river or channel in which this Act is for the time being in force.

"Port."

CHAPTER II.

OF THE POWERS OF THE LOCAL GOVERNMENT.

5. With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette,

Power to extend this Act.

(*a*) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force,

(*b*) extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended,

Power to extend specially sections 38, 39, 40 and 41.

(*c*) withdraw this Act from any port or any part thereof in which it is for the time being in force:

Power to withdraw this Act.

Provided that every notification under clause (*a*) or clause (*b*) of this section may define the limits of the port, river or channel to which it refers, and that such limits may extend to high-water-mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of such port river or channel, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line.

EXPLANATION:—In this section 'high-water-mark' means the highest point reached by ordinary spring-tides at any season of the year.

6. The Local Government may from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits.

Limits how to be altered.

7. The Local Government may, from time to time, make such rules, consistent with this Act, as it may think necessary for any of the following purposes, namely,—

Local Government empowered to make Port-rules as to—

(*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act:

entering or leaving Port:

(*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port:

berths of vessels:

(*c*) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port; and for swinging or taking-in davits, boats and other things projecting from such vessels:

striking yards, &c.:

(*d*) for the removal or proper hanging or placing of anchors, spars, and other things, in or attached to vessels in any such port:

removal of anchors, &c.:

(*e*) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged:

taking in or discharging ballast:

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same; and for marking out the spaces so to be kept free:

keeping free passage:

(*g*) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port:

regulating the anchoring:

(*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein:

moving and warping:

(*i*) for regulating the use of the mooring buoys, chain and other moorings, in any such port:

use of mooring buoys:

(*j*) for fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government:

rates for use of mooring buoys:

(*k*) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port:

cargo boats, &c.:

(*l*) for regulating the use of fires and lights within any such port:

fires and lights:

(*m*) for enforcing and regulating the use of signal-lights by vessels at night in any such port:

signal-lights:

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port:

number of crew:

(*o*) for fixing the limits within which vessels shall be prohibited from having on board in any such port any quantity of gunpowder in excess of such quantity as the Local Government prescribes in this behalf.

possession of gunpowder.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. The Local Government shall appoint some officer or body of persons to be Conservator of every port subject to this Act, and may suspend or remove such officer or body.

Appointment of Conservator.

Subject to any direction by the Local Government to the contrary—

(*a*) in ports where there is a Master Attendant, such Master Attendant shall be the Conservator:

(*b*) in ports where there is no Master Attendant, but where there is a Harbour-Master, such Harbour-Master shall be the Conservator.

Where the Harbour-Master is not Conservator, the Harbour-Master and his Assistants shall be subordinate to, and subject to the control of, the Conservator.

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

9. The Conservator of any port subject to this Act may, in respect of any vessel within such port, give directions for carrying into effect any port-rule for the time being in force therein.

Conservator empowered to give directions for certain specified purposes.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction;

Penalty for disobedience to Conservator's orders.

and, in case of such refusal or neglect, the said Conservator may do, or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose; and all reasonable expenses incurred in doing such acts shall be paid by the person so offending.

Expenses caused thereby to be paid by offender.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

Service of written notice.

10. The Conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser, endangering the safety of any vessel in such port or at or near to the entrance thereof.

Power to cut warps, ropes, &c.

11. The Conservator may remove or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property;

Power to remove floating timber, &c., or obstruction on shore within limits of Port.

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal;

Expenses of removal.

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

Penalties for causing obstruction or public nuisance.

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated.

12. If the owner of any such timber or raft, or the person who has caused any such obstruction, impediment, or public nuisance as is mentioned in section eleven, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act;

Recovery of expenses of removal.

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, or so much thereof as may be necessary, to be sold by public auction;

Power to sell timber, &c.

and may retain all the expenses of such removal and sale out of the proceeds of such sale; and shall pay the surplus of such proceeds or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same;

Proceeds how dealt with.

and, if no such person appear, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for

Removal of obstructions lawfully made.

the information of the Local Government and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same.

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Compensation how determined.

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the Conservator, and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

Notice to Conservator, if vessel fouls Government moorings.

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Expense of clearing vessel.

Any Master offending against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees.

Penalty.

15. If any vessel be wrecked, stranded or sunk, in any such port, so as to impede or be likely to impede the navigation thereof, the Conservator may cause the same to be raised, removed, or destroyed;

Power to raise wreck, &c., impeding navigation within the port.

and may recover the same on behalf of the Local Government in the manner provided by section forty-four.

Expense how recoverable.

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him;

Power to board vessels.

and the Collector of Customs, or other officer appointed to collect any port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any officer or other person to board or enter such vessel, building or place for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

17. For the purpose of preventing or extinguishing fire in any port subject to this Act, the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master.

Power to require crews to prevent or extinguish fire.

Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his orders who after being directed by the Master to obey the Conservator's orders for the purpose aforesaid refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour-Master or any Assistant of such Conservator or Harbour-Master,

Powers of Conservator may be exercised by Harbour-Master.

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary.

19. The Government shall not be answerable for any act or default of any Master Attendant, Harbour-Master, or other Conservator of any port subject to this Act; or of any Pilot; or of any Deputy or Assistant of any of the officers above-mentioned; or of any person acting under the authority or direction of any such Officer or Assistant, done within the limits of such port;

Indemnity to Government against default of Harbour-Master, &c.

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

Proviso.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS.

20. No person shall without lawful excuse lift, injure, loosen, or set adrift any buoy, beacon, or mooring fixed or laid down by or by the authority of the Local Government in any port subject to this Act.

Injuring buoys, &c.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Wilfully loosening vessel from moorings.

22. No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

Improperly discharging ballast,.

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government.

23. If any person grave, bream, or smoke any vessel in any such port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

Graving, &c., vessel within prohibited limits.

24. If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees.

Boiling pitch, &c., on board vessel within prohibited limits.

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, such person, and also the Master of, every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

Drawing spirits by unprotected artificial light.

26. Every Master of a vessel in any port subject to this Act shall, when required so to do by the Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

Warping.

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

27. No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel navigating in such port.

Leaving out hawser, &c., after sun-set.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

Gunpowder.

28. The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (*o*), for any ship in any port subject to this Act, shall be deposited; and shall also appoint an officer to receive the same.

Place of deposit for gunpowder.

29. The Local Government may in such case by order fix the times at or within which, and the manner in which, such gunpowder, shall be landed and deposited by any vessel inward-bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit.

Government to fix time and manner of landing and shipping powder, &c.

30. The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

Master to make declaration.

31. The officer with whom such gunpowder is deposited shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same.

Officer to give receipt and to account for powder deposited.

32. If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, the master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

If by stress of weather powder is not landed, notice to be given.

33. The Local Government may also, in respect to such port, by order, fix the times and places at which, and the manner in which, vessels outward-bound, requiring to take in any gunpowder, exceeding the quantity abovementioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

Time, &c., for vessels outward-bound to take in powder.

34. The Master of any vessel having on board any gunpowder, contrary to the provisions of this Act, shall for every such offence be punished with fine which may extend to two hundred rupees;

Penalties for having prohibited powder on board.

and all gunpowder on board any vessel contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom-house officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions.

35. Whoever, without lawful excuse, discharges any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Guns not to be discharged in port.

Exception.

Penalty.

Extinguishment of Fires.

36. The Master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty on Master omitting to take order to extinguish fire.

Inflammable Oil.

37. The Local Government may from time to time make rules for regulating

Power to make rules for prevention of fire from inflammable oil.

(*a*) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored,

(*b*) the mode in which such oil shall be landed from or shipped on board of such vessels.

Explanation.—"Inflammable oil" includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

Special Rules.

38. No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended without having a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master on board; and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority.

Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour-Master.

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the Master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the Master be unable to procure a Pilot, Harbour-Master or Assistant of the Master Attendant or Harbour-Master to go on board the said vessel.

39. Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with a proper force-pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

Vessels above 200 tons to be provided with force-pump, &c.

The Master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

40. No person, unless duly authorized by the Conservator, shall creep or sweep in any such port for anchors, cables or other stores lost or supposed to be lost therein.

Unauthorized person not to search for lost stores.

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees.

41. No person shall, without the permission of the Conservator, remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any such port;

Removing stones, &c., or injuring shores of port prohibited.

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in or overlook the performance of such work.

Whoever offends against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore.

Publication of Orders.

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the official Gazette; and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order relates and in the Custom-house, if any, of every port subject to this Act.

Publication of orders of Local Government.

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence.

Penalty for disobedience to rules.

And in the case of disobedience to any rule made under section thirty-seven the owner or Master of the vessel concerned shall also be punished with a fine not exceeding two hundred rupees for each day during which such rule is disobeyed.

CHAPTER V.

OF SALVAGE IN PORTS.

43. If any anchors, wreck, stores, or other property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

Salvage payable for wreck, &c.

A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct.

Register to be kept.

It shall contain a description of such property, and of the times and places where the same has been recovered;

and it shall be open to public inspection at reasonable office-hours, except on Sundays and such holidays as the Local Government may direct.

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

Property recovered may, in certain cases, be sold.

or if the person claiming the same fails to pay the amount due to the Local Government in respect thereof,

such property may be sold by public auction, if of a perishable nature; forthwith; and if not of a perishable nature, at any period not less than six months after the recovery thereof;

and on the realization of the proceeds, the amount due to the Local Government for salvage, or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same:

Proceeds how applied.

Provided that he makes his claim within one year from the date of the sale.

CHAPTER VI.

OF PORT-DUES AND CHARGES.

45. In each of the ports mentioned in the first schedule hereto annexed, such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule.

Levy of port-dues.

Whenever the Local Government with the previous sanction of the Governor General in Council has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare—

(*a*) the maximum amount of dues to be levied on vessels entering such port;

(*b*) the conditions and modifications under which such dues shall be levied;

and may also, from time to time, with the like sanction, vary such conditions and modifications; and such dues shall be levied accordingly.

All port-dues now leviable in any of the said ports shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

No port-dues or fees shall hereafter be levied in any port except under the authority of this Act.

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette.

46. The Local Government may, from time to time, exempt the vessels entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as, having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them;

Local Government may vary port-dues.

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act.

Proviso.

47. For every port at which port-dues are levied under this Act, a distinct account, to be called the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

Accounts of port-dues.

This account shall show in complete detail the receipts and charges of the port; and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof.

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the rivers or channels leading thereto, but excluding receipts and expenses on account of pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port.

And all money, including salvage-money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port.

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port; and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

48. The Collector of Customs at every such port, or such other officer as the Local Government appoints in this behalf, shall collect the port-dues above-mentioned.

Collection of port-dues.

The officer to whom any such port-dues are paid, shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

Voucher to be given.

49. Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this or any subsequent Act, the Master of such vessel shall report such arrival to the Conservator of such port.

Master to report arrival.

Any Master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

50. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern-posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the Master of such vessel shall be liable to pay the expenses of such operation.

Conservator may in certain cases ascertain draught, and charge expense to Master.

51. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed :—

Tonnage of vessel liable to port-dues how ascertained

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

if registered;

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

if not registered.

52. If the Master of any vessel, in respect of which any port-dues or charges are payable under this Act refuses or neglects to pay the same on demand, the Collector of Customs, or other person authorized to collect such port-dues, fees or charges, may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

On refusal to pay port-dues, &c., the Collector may distrain and sell.

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

53. The Officer of Government, whose duty it is to grant a port-clearance for any vessel, shall not grant such clearance—

No port-clearance to be granted until dues, &c., are paid.

(*a*) until her owner or Master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges, and of all fines, penalties and expenses to which such vessel or her owner or Master is liable under this Act;

(*b*) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the Port from which she seeks clearance, have been duly paid.

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her to leave any port without having discharged such dues, fees, or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other Officer as aforesaid, in any other port in British India to which she may proceed or in which she may be, to levy such dues or charges.

Port-dues, &c., payable in one port recoverable by Collector at any other port.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues or charges in the manner prescribed in section fifty-two; and a certificate purporting to be made and signed by the Collector of Customs or other officer as aforesaid of the port where the port-dues or charges became payable, stating the amount so payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section seventy.

55. If the Master of any such vessel evades the payment of any port-dues or charges payable under this Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable.

Penalty for evading payment of port-dues, &c.

In any proceeding before a Magistrate for the adjudication of such penalty, any such certificate as is mentioned in section fifty-four stating that the Master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that

the departure of the vessel without having discharged the dues or charges payable was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

56. Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast, and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

Port-due on vessels in ballast.

57. When any vessel enters any port subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels:

Port-due on vessels not discharging or taking in cargo.

Provided that no vessel entering any of the ports subject to the Governor of Fort St. George in Council and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

58. No port-due shall be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Port-dues not chargeable on vessels re-entering from stress of weather.

Hospital Port-Dues.

59. The Local Government may, from time to time, by notification in the official *Gazette*, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

Power to impose hospital port-dues.

Such port-dues shall be called hospital port-dues.

No order imposing or increasing hospital port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the Official Gazette.

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the Official *Gazette*, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption.

60. Such hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Application of hospital port-dues.

Fees for certain Services.

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, remooring, hooking, measurage, and other services rendered to vessels, at such rates as the Local Government may, from time to time, direct:

Fees for pilotage, hauling, remooring, &c.

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained.

The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by the former part of this section.

CHAPTER VII.

OF HOISTING SIGNALS.

62. The master of every inward or outward-bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hugli or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Master to hoist number of vessel.

63. Any master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

Penalty for not hoisting signal.

64. Every pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two.

Pilot to require master to hoist signal.

When, on a requisition from the pilot to that effect, the master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

And if master refuses to do so, pilot may anchor.

65. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment.

Punishment of pilot disobeying provisions of this chapter

CHAPTER VIII.

OF PENALTIES.

66. All offences against this Act shall be triable by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted, to be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Offences how triable, and penalties how recovered.

67. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable.

Costs of conviction.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

Damages, &c., payable under this Act, how ascertained and recovered.

68. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

Costs of distress.

69. Whenever any fine, damages or expenses is or are levied under this Act, by distress and sale, the costs of such distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

70. If any dispute arise concerning the amount leviable by any distress or arrest under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable; and payment of such costs, if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

Jurisdiction over offences beyond local limits of jurisdiction.

71. Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the river or channel in which such offence is committed.

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

72. No conviction, order, or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits;

Form of conviction.

and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

CHAPTER IX.

MISCELLANEOUS.

Hoisting unlawful colours in Port.

73. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of Victoria, chapter 104, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

Any officer of Her Majesty's Navy within the limits of such port, or the Conservator of such Port, may enter on board any such vessel, and seize and take away any flag, jack, pendant or colour so unlawfully hoisted, carried, or worn on board the same.

Foreign Deserters.

74. Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters' Act, 1852, has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter;

and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention;

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

Application of sections 11 and 22.

75. The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-six and sixty-eight.

In any of the said ports for the shipment and landing of goods the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Disputes concerning amount due under section 15 or section 43.

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Amendment of Act XIII of 1867.

77. Act No. XIII of 1867, section one, shall be read as if for the words "and such port-dues" the following words were substituted (namely),—"The port-dues leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassein."

THE FIRST SCHEDULE.

(See section 2.)

PART I.—BRITISH BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Maulmain ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.
Rangoon ...	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Ditto.
Kyook Phyoo ...	Ditto ...	Not exceeding four annas per ton.	Ditto.
Akyab ...	Ditto.	Ditto ...	Ditto.
Bassein ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ...	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.

PART II.—THE LOWER PROVINCES.

Chittagong ...	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days.
	Tug-steamers and river-steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year.
Calcutta ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Cuttack Ports,—namely, Balasore, Chúráman, Laichhunpur, Chánua, Subarnakha, Dhámra and Sartha.	Sea-going vessels of three hundred maunds and upwards.	Not exceeding six annas per hundred maunds.	Whenever the vessel enters the port.

THE FIRST SCHEDULE—*continued.*

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern Group—			
1. Ganjam ...	Sea-going vessels of fifteen tons and upwards.	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels: provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group and an addition of half of such highest rate.	(*a.*) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days. (*b.*) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days. (*c.*) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days.
2. Gopalpur ...	Ditto	Ditto	
3. Calingapatam	Ditto ...	Ditto ...	
4. Bimlipatam ...	Ditto ...	Ditto ...	
5. Vizagapatam..	Ditto ...	Ditto ...	
6. Coconada ... } 7. Coringa * ... }	Ditto ...	Ditto ...	
8. Masulipatam..	Ditto ...	Ditto ...	
9. Madras ...	Ditto ...	Ditto ...	
10. Cuddalore ...	Ditto ...	Ditto ...	
11. Porto Novo ...	Ditto ...	Ditto ...	
12. Tranquebar ...	Ditto ...	Ditto ...	
13. Negapatam ... } 14. Nagore * ... }	Ditto ...	Ditto ...	
15. Tuticorin ...	Ditto ...	Ditto ...	
Western Group—			
1. Mangalore ...	Ditto ...	Ditto ...	
2. Cannanore ...	Ditto ...	Ditto ...	
3. Tellicherry ...	Ditto ...	Ditto ...	
4. Calicut ... } 5. Beypore * ... }	Ditto ...	Ditto ...	
6. Cochin ...	Ditto ...	Ditto ...	

In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the Continent of India or in the Island of Ceylon.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Coringa, Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct.	Once in the same month.
	Tug-steamers, Ferry-steamers and River-steamers.	Ditto ...	Once between the 1st January and the 30th June and once between the 1st July and 31st December in each year.
Northern Group of Ports.			
1. Gogo ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Bávliári ...	Ditto ...	Ditto ...	Ditto.
3. Khun ...	Ditto ...	Ditto ...	Ditto.
4. Tankária ...	Ditto ...	Ditto ...	Ditto.
5. Dehegám ...	Ditto ...	Ditto ...	Ditto.
6. Dehej ...	Ditto ...	Ditto ...	Ditto.
7. Broach ...	Ditto ...	Ditto ...	Ditto.
8. Bhagwá ...	Ditto ...	Ditto ...	Ditto.
9. Surat ...	Ditto ...	Ditto ...	Ditto.
10. Matwád ...	Ditto ...	Ditto ...	Ditto.
11. Bulsar ...	Ditto ...	Ditto ...	Ditto.
12. Umarsári ...	Ditto ...	Ditto ...	Ditto.
13. Kolak ...	Ditto ...	Ditto ...	Ditto.
14. Kálai ...	Ditto ...	Ditto ...	Ditto.
15. Maroli ...	Ditto ...	Ditto ...	Ditto.
16. Umbargám ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Northern Group of Ports.—continued.			
17. Gholwad ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
18. Dáhánu creek ...	Ditto ...	Ditto ...	Ditto.
19. Tárápur ...	Ditto ...	Ditto ...	Ditto.
20. Alivárá Navápur	Ditto ...	Ditto ...	Ditto.
21. Sátpáti creek ...	Ditto ...	Ditto ...	Ditto.
22. Máhim (Kelva) ...	Ditto ...	Ditto ...	Ditto.
23. Kelva ...	Ditto ...	Ditto ...	Ditto.
24. Dántivra ...	Ditto ...	Ditto ...	Ditto.
25. Arnála ...	Ditto ...	Ditto ...	Ditto.
Southern Group of Ports.			
1. Bandora ...	Ditto ...	Ditto ...	Ditto.
2. Veráva ...	Ditto ...	Ditto ...	Ditto.
3. Manori ...	Ditto ...	Ditto ...	Ditto.
4. Utan ...	Ditto ...	Ditto ...	Ditto.
5. Bassein ...	Ditto ...	Ditto ...	Ditto.
6. Bhiwandi ...	Ditto ...	Ditto ...	Ditto.
7. Kallian ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports.—continued.			
8. Tanna ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
9. Trombay ...	Ditto ...	Ditto ...	Ditto.
10. Panwel ...	Ditto ...	Ditto ...	Ditto.
11. Karanja ...	Ditto ...	Ditto ...	Ditto.
12. Rewas ...	Ditto ...	Ditto ...	Ditto.
13. Nagothna ...	Ditto ...	Ditto ...	Ditto.
14. Thal ...	Ditto ...	Ditto ...	Ditto.
15. Alibág ...	Ditto ...	Ditto ...	Ditto.
16. Revdandá ...	Ditto ...	Ditto ...	Ditto.
17. Talkhári ...	Ditto ...	Ditto ...	Ditto.
18. Bánkot ...	Ditto ...	Ditto ...	Ditto.
19. Kelsi ...	Ditto ...	Ditto ...	Ditto.
20. Harnai ...	Ditto ...	Ditto ...	Ditto.
21. Anjanwel ...	Ditto ...	Ditto ...	Ditto.
22. Boryá ...	Ditto ...	Ditto ...	Ditto.
23. Jaygarh ...	Ditto ...	Ditto ...	Ditto.
24. Ratnágiri ...	Ditto ...	Ditto ...	Ditto.
25. Purnagarh ...	Ditto ...	Ditto ...	Ditto.
26. Yeshwantgarh ...	Ditto ...	Ditto ...	Ditto.
27. Viziádurg ...	Ditto ...	Ditto ...	Ditto.
28. Devgarh ...	Ditto ...	Ditto ...	Ditto.
29. Achara ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*concluded.*

PART IV.—THE BOMBAY PRESIDENCY—*concluded.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports.—continued.			
30. Málwan ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
31. Nivti ...	Ditto ...	Ditto ...	Ditto.
32. Vengorla ...	Ditto ...	Ditto ...	Ditto.
33. Rerí ...	Ditto ...	Ditto ...	Ditto.
34. Tirekhol ...	Ditto ...	Ditto ...	Ditto.
35. Karwar including Baitkhol.	Ditto ...	Ditto ...	Ditto.
36. Chendya ...	Ditto ...	Ditto ...	Ditto.
37. Ankola ...	Ditto ...	Ditto ...	Ditto.
38. Gangawali ...	Ditto ...	Ditto ...	Ditto.
39. Tadri ...	Ditto ...	Ditto ...	Ditto.
40. Honáwar ...	Ditto ...	Ditto ...	Ditto.
41. Shiráli ...	Ditto ...	Ditto ...	Ditto.
42. Coomta ...	Ditto ...	Ditto ...	Ditto.
43. Murdheshwar ...	Ditto ...	Ditto ...	Ditto.
44. Bhatkal ...	Ditto ...	Ditto ...	Ditto.
Karáchi	Ditto ...	Four annas per ton	Once in three months.
	Tug-steamers and river-steamers.	Ditto ...	Once between the 1st January and the 30th day of June and once between the 1st July and the 31st December in each year.
Aden	Sea-going vessels of ten tons and upwards.	Three annas per ton	Once a month.

THE SECOND SCHEDULE.

(See section 3.)

Number and year.	Subject.	Extent of repeal.
Act XIII of 1839 ...	Port duties.	So much as has not been repealed.
Act XXII of 1855 ...	Ports and Port-dues.	Ditto.
Act XIII of 1856 ...	Police in Presidency Towns.	Section 117.
Act XXX of 1857 ...	Port-dues and Fees (Calcutta).	The whole.
Act XXXI of 1857 ...	Port-dues and Fees (Bombay).	Ditto.
Act XXXV of 1857 ...	Port-dues and Fees (Maulmain, Rangoon, &c.)	Ditto.
Act II of 1858 ...	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto.
Act VIII of 1858. ...	Port-dues and Fees (Karáchi).	Ditto.
Act XV of 1858 ...	Port-dues and Fees (Port of Aden).	Ditto.
Act XVIII of 1858 ...	Port-dues and Fees (certain Madras Ports.)	Ditto.
Act XIX of 1860 ...	Amending Act XXII of 1855.	Ditto.
Act XXV of 1860 ...	Bassein.	Ditto.
Act XIII of 1867 ...	Amending Act XXV of 1860.	In the title, the words "*for the levy of enhanced Port-dues in the Ports of Moulmain and Bassein, and*" The preamble down to and including the words "mentioned; And" Section one down to and including the word "Bassein."
Act VII of 1873 ...	Burma Port-dues.	The whole.
Bengal Act I of 1862 ...	Hoisting Signals.	Ditto.
Bengal Act I of 1863 ...	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto.
Bengal Act III of 1865 ...	Fire in Ports.	Sections 3 and 4. Section 8, clauses 1 and 2. Section 10.
Bengal Act IV of 1866 ...	Amending Act XIII of 1856.	Section 103.
Bengal Act III of 1867 ...	Ships in Ports.	Sections 7, 11, 12 and 13.
Bengal Act III of 1872 ...	Amending Bengal Act V of 1870 and Act XXII of 1855.	Section 5.
Madras Act I of 1864 ...	Extension of parts of Act XXII of 1855.	The whole.
Madras Act VII of 1867 ...	Port-dues.	Ditto.
Madras Act VIII of 1867 ...	Madras Police.	Section 80.
Bombay Act IV of 1863 ...	Amending Act XV of 1858 (Port-dues, Aden).	The whole.
Bombay Act XI of 1866 ...	Port-dues.	Ditto.
Bombay Act I of 1873 ...	Bombay Port Trust Act, 1873.	Section 75.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and is hereby promulgated for general information :—

ACT No. XIII OF 1875.

An Act to amend the law relating to Probates and Letters of Administration.

Preamble.

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate or letters of administration made by any Court in British India is confined to the Province in which such grant is made: And whereas it is expedient to extend over British India the effect of such grants when made by a High Court: And whereas it is also expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration: It is hereby enacted as follows :—

Addition to Act No. X of 1865, section 3.

1. To section 3 of the Indian Succession Act, 1865, the following words shall be added (namely) :— "and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon."

Addition to Act No. X of 1865, section 242.

2. To section 242 of the Indian Succession Act, 1865, the following proviso shall be added (namely) :—

"Provided that probates and letters of administration granted by a High Court after the first day of April, 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

Effect of unlimited probates, &c., granted by High Court.

Addition to Act No. X of 1865.

3. The following section shall be inserted after the said proviso (namely) :—

"242A. Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or such other officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect :—

Transmission of certificate by High Court granting probate, &c., to other Courts.

I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 187 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the High Court receiving the same."

Addition after section 246 of Act X of 1865.

4. After section 246 of the Indian Succession Act, 1865, the following section shall be inserted (namely) :—

"246A. Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

Additional statements in petition for probate, &c.

or, where any such application has been made, the High Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same."

Addition after section 277 of Act X of 1865.

5. After section 277 of the Indian Succession Act, 1865, the following section shall be inserted (namely) :—

"277A. In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects of any person dying in British India and leaving property in more than one Province shall include in the inventory of the effects of the deceased his moveable or immoveable property situate in each of the Provinces:

Inventory may include property in any part of British India.

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory; and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

Addition to Act No. VII of 1870.

6. After section nineteen of the Court Fees Act, 1870, the following chapter shall be inserted, (namely):—

"CHAPTER III A.

"PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION.

Relief where too high a Court-fee has been paid.

"19A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

(*a*) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;

(*b*) substitute another stamp for denoting the Court-fee which should have been paid thereon; and

(*c*) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

Relief where debts due from a deceased person have been paid out of his estate.

"19B. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

Relief in case of several grants.

"19C. Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate;

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

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"19D. The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration.

Provision for case where too low a Court-fee has been paid on probates, &c.

"19E. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted, may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters:

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

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Executors, &c., not paying full Court-fee on probates, &c., within six months after discovery of underpayment.

"19G. Where too low a Court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1875, or after the discovery of the mistake, or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper Court-fee.

Sections 19A to 19G applied to certificates under Acts XL of 1858 and XX of 1864.

"19H. The provisions of sections 19 A to 19 G (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act No. XX of 1864 (*for making better provision for the care of the persons and property of Minors in the Presidency of Bombay*) and to the holders of such certificates."

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 27, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and is hereby promulgated for general information:—

Act No. XII of 1875.

THE INDIAN PORTS ACT, 1875.

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THE FIRST SCHEDULE.—Ports, vessels chargeable, rate of port-dues, and frequency of payment.

THE SECOND SCHEDULE.—Enactments repealed.

An Act to consolidate and amend the law relating to Ports and Port-dues.

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Indian Ports Act, 1875:" Short title.

2. It shall extend—

(*a*) to the ports mentioned in the first schedule hereto annexed, and to such parts of the navigable rivers and channels leading to such ports respectively, as have been declared to be subject to Act No. XXII of 1855 (*for the regulation of Ports and Port-dues*); Present local extent.

(*b*) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act. Power to extend this Act.

But nothing herein contained shall—

(*c*) apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State;

(*d*) deprive any person of any right of property or other private right except as hereinafter expressly provided; or

(*e*) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto.

And nothing contained in any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government.

3. The Acts mentioned in the second schedule hereto annexed shall be repealed to the extent specified in the third column thereof. Repeal of Acts.

Every declaration, appointment or rule made under any such Act and now in force shall be deemed to have been made under this Act.

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be.

4. In this Act, unless there be something repugnant in the subject or context— Interpretation-clause.

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

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

"Pilot" means a person for the time being authorized by the Local Government to pilot vessels: "Pilot."

"Owner" includes also any agent to whom a vessel is consigned: "Owner."

"Gunpowder" includes also rockets and other combustible ammunition: "Gunpowder."

"Magistrate" means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police; and "Magistrate."

"Port" includes also any part of a river or channel in which this Act is for the time being in force. "Port."

CHAPTER II.

OF THE POWERS OF THE LOCAL GOVERNMENT.

5. With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette, Power to extend this Act.

(*a*) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force,

(*b*) extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended, Power to extend specially sections 38, 39, 40 and 41.

(*c*) withdraw this Act from any port or any part thereof in which it is for the time being in force: Power to withdraw this Act.

Provided that every notification under clause (*a*) or clause (*b*) of this section may define the limits of the port, river or channel to which it refers, and that such limits may extend to high-water-mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of such port, river or channel, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line.

EXPLANATION:—In this section 'high-water-mark' means the highest point reached by ordinary spring-tides at any season of the year.

6. The Local Government may from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits. Limits how to be altered.

7. The Local Government may, from time to time, make such rules, consistent with this Act, as it may think necessary for any of the following purposes, namely,— Local Government empowered to make Port-rules as to—

(*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act: entering or leaving Port:

(*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port: berths of vessels:

(*c*) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port; and for swinging or taking-in davits, boats and other things projecting from such vessels: striking yards, &c.:

(*d*) for the removal or proper hanging or placing of anchors, spars, and other things, in or attached to vessels in any such port: removal of anchors, &c.:

(*e*) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged :

taking in or discharging ballast :

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same; and for marking out the spaces so to be kept free :

keeping free passage :

(*g*) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port :

regulating the anchoring :

(*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein:

moving and warping :

(*i*) for regulating the use of the mooring buoys, chain and other moorings, in any such port :

use of mooring buoys :

(*j*) for fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government :

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number of crew :

(*o*) for fixing the limits within which vessels shall be prohibited from having on board in any such port any quantity of gunpowder in excess of such quantity as the Local Government prescribes in this behalf.

possession of gunpowder.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. The Local Government shall appoint some officer or body of persons to be Conservator of every port subject to this Act, and may suspend or remove such officer or body.

Appointment of Conservator.

Subject to any direction by the Local Government to the contrary—

(*a*) in ports where there is a Master Attendant, such Master Attendant shall be the Conservator :

(*b*) in ports where there is no Master Attendant, but where there is a Harbour-Master, such Harbour-Master shall be the Conservator.

Where the Harbour-Master is not Conservator, the Harbour-Master and his Assistants shall be subordinate to, and subject to the control of, the Conservator.

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

9. The Conservator of any port subject to this Act may, in respect of any vessel within such port, give directions for carrying into effect any port-rule for the time being in force therein.

Conservator empowered to give directions for certain specified purposes.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction;

Penalty for disobedience to Conservator's orders.

and, in case of such refusal or neglect, the said Conservator may do, or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose; and all reasonable expenses incurred in doing such acts shall be paid by the person so offending.

Expenses caused thereby to be paid by offender.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

Service of written notice.

10. The Conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser, endangering the safety of any vessel in such port or at or near to the entrance thereof.

Power to cut warps, ropes, &c.

11. The Conservator may remove or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property;

Power to remove floating timber, &c., or obstruction on shore within limits of Port.

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal;

Expenses of removal.

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

Penalties for causing obstruction or public nuisance.

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated.

12. If the owner of any such timber or raft, or the person who has caused any such obstruction, impediment, or public nuisance as is mentioned in section eleven, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act;

Recovery of expenses of removal.

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or

Power to sell timber, &c.

obstruction so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of such sale; and shall pay the surplus of such proceeds or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same;

Proceeds how dealt with.

and, if no such person appear, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for the information of the Local Government and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same.

Removal of obstructions lawfully made.

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Compensation how determined.

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the Conservator, and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

Notice to Conservator, if vessel fouls Government moorings.

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Expense of clearing vessel.

Any Master offending against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees.

Penalty.

15. If any vessel be wrecked, stranded or sunk, in any such port, so as to impede or be likely to impede the navigation thereof, the Conservator may cause the same to be raised, removed, or destroyed;

Power to raise wreck, &c., impeding navigation within the port.

and may recover the same on behalf of the Local Government in the manner provided by section forty-four.

Expense how recoverable.

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him;

Power to board vessels.

and the Collector of Customs, or other officer appointed to collect any port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any officer or other person to board or enter such vessel, building or place for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

17. For the purpose of preventing or extinguishing fire in any port subject to this Act, the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master.

Power to require crews to prevent or extinguish fire.

Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his orders who after being directed by the Master to obey the Conservator's orders for the purpose aforesaid refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour-Master or any Assistant of such Conservator or Harbour-Master,

Powers of Conservator may be exercised by Harbour-Master.

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary.

19. The Government shall not be answerable for any act or default of any Master Attendant, Harbour-Master, or other Conservator of any port subject to this Act; or of any Pilot; or of any Deputy or Assistant of any of the officers above-mentioned; or of any person acting under the authority or direction of any such Officer or Assistant, done within the limits of such port;

Indemnity to Government against default of Harbour-Master, &c.

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

Proviso.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS.

20. No person shall without lawful excuse lift, injure, loosen, or set adrift any buoy, beacon, or mooring fixed or laid down by or by the authority of the Local Government in any port subject to this Act.

Injuring buoys, &c.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully loosening vessel from moorings.

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly discharging ballast.

22. No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government.

Grabing, &c., vessel within prohibited limits.

23. If any person grave, bream, or smoke any vessel in any such port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

Boiling pitch, &c., on board vessel within prohibited limits.

24. If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees.

Drawing spirits by unprotected artificial light.

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, such person, and also the Master of every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

Warping.

26. Every Master of a vessel in any port subject to this Act shall, when required so to do by the Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

Leaving out hawser, &c., after sun-set.

27. No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel navigating in such port.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

Gunpowder.

Place of deposit for gunpowder.

28. The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (*o*), for any ship in any port subject to this Act, shall be deposited; and shall also appoint an officer to receive the same.

Government to fix time and manner of landing and shipping powder, &c.

29. The Local Government may in such case by order fix the times at or within which, and the manner in which, such gunpowder, shall be landed and deposited by any vessel inward-bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit.

Master to make declaration.

30. The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

Officer to give receipt and to account for powder deposited.

31. The officer with whom such gunpowder is deposited shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same.

If by stress of weather powder is not landed, notice to be given.

32. If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, the master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

Time, &c., for vessels outward-bound to take in powder.

33. The Local Government may also, in respect to such port, by order, fix the times and places at which, and the manner in which, vessels outward-bound, requiring to take in any gunpowder, exceeding the quantity above-mentioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

Penalties for having prohibited powder on board.

34. The Master of any vessel having on board any gunpowder, contrary to the provisions of this Act, shall for every such offence be punished with fine which may extend to two hundred rupees;

and all gunpowder on board any vessel contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom-house officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions.

Guns not to be discharged in port.

Exception.

Penalty.

35. Whoever, without lawful excuse, discharges any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Extinguishment of Fires.

Penalty on Master omitting to take order to extinguish fire.

36. The Master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Inflammable Oil.

Power to make rules for prevention of fire from inflammable oil.

37. The Local Government may from time to time make rules for regulating

(*a*) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored,

(*b*) the mode in which such oil shall be landed from or shipped on board of such vessels.

Explanation.—"Inflammable oil" includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

Special Rules.

Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour-Master.

38. No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended without having a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master on board; and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority.

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the Master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the Master be unable to procure a Pilot, Harbour-Master or Assistant of the Master Attendant or Harbour-Master to go on board the said vessel.

Vessels above 200 tons to be provided with force-pump, &c.

39. Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with a proper force-pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

The Master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

Unauthorized person not to search for lost stores.

40. No person, unless duly authorized by the Conservator, shall creep or sweep in any such port for anchors, cables or other stores lost or supposed to be lost therein.

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees.

Removing stones, &c., or injuring shores of port prohibited.

41. No person shall, without the permission of the Conservator, remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any such port;

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in or overlook the performance of such work.

Whoever offends against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore.

Publication of Orders.

Publication of orders of Local Government.

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the official Gazette; and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order relates and in the Custom-house, if any, of every port subject to this Act.

Penalty for disobedience to rules.

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence.

And in the case of disobedience to any rule made under section thirty-seven the owner or Master of the vessel concerned shall also be punished with a fine not exceeding two hundred rupees for each day during which such rule is disobeyed.

CHAPTER V.

OF SALVAGE IN PORTS.

Salvage payable for wreck, &c.

43. If any anchors, wreck, stores, or other property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct.

Register to be kept.

It shall contain a description of such property, and of the times and places where the same has been recovered;

and it shall be open to public inspection at reasonable office-hours, except on Sundays and such holidays as the Local Government may direct.

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

Property recovered may, in certain cases, be sold.

or if the person claiming the same fails to pay the amount due to the Local Government in respect thereof,

such property may be sold by public auction, if of a perishable nature, forthwith; and if not of a perishable nature, at any period not less than six months after the recovery thereof;

and on the realization of the proceeds, the amount due to the Local Government for salvage, or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same:

Proceeds how applied.

Provided that he makes his claim within one year from the date of the sale.

CHAPTER VI.

OF PORT-DUES AND CHARGES.

45. In each of the ports mentioned in the first schedule hereto annexed, such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule.

Levy of port-dues.

Whenever the Local Government with the previous sanction of the Governor General in Council has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare—

(*a*) the maximum amount of dues to be levied on vessels entering such port;

(*b*) the conditions and modifications under which such dues shall be levied;

and may also, from time to time, with the like sanction, vary such conditions and modifications; and such dues shall be levied accordingly.

All port-dues now leviable in any of the said ports shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

No port-dues or fees shall hereafter be levied in any port except under the authority of this Act.

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette.

46. The Local Government may, from time to time, exempt the vessels entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as, having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them;

Local Government may vary port-dues.

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act.

Proviso.

47. For every port at which port-dues are levied under this Act, a distinct account, to be called the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

Accounts of port-dues.

This account shall show in complete detail the receipts and charges of the port; and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof.

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the rivers or channels leading thereto, but excluding receipts and expenses on account of pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port.

And all money, including salvage-money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port.

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port; and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

48. The Collector of Customs at every such port, or such other officer as the Local Government appoints in this behalf, shall collect the port-dues above-mentioned.

Collection of port-dues.

The officer to whom any such port-dues are paid, shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

Voucher to be given.

49. Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this or any subsequent Act, the Master of such vessel shall report such arrival to the Conservator of such port.

Master to report arrival.

Any Master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

50. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern-posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the Master of such vessel shall be liable to pay the expenses of such operation.

Conservator may in certain cases ascertain draught, and charge expense to Master.

51. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed:—

Tonnage of vessel liable to port-dues how ascertained

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

if registered;

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

if not registered.

52. If the Master of any vessel, in respect of which any port-dues or charges are payable under this Act refuses or neglects to pay the same on demand, the Collector of Customs, or other person authorized to collect such port-dues, fees or charges, may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

On refusal to pay port-dues, &c., the Collector may distrain and sell.

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

53. The Officer of Government, whose duty it is to grant a port-clearance for any vessel, shall not grant such clearance—

No port-clearance to be granted until dues, &c., are paid.

(*a*) until her owner or Master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges, and of all fines, penalties and expenses to which such vessel or her owner or Master is liable under this Act;

(*b*) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the port from which she seeks clearance, have been duly paid.

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her to leave any port without having discharged such dues, fees, or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other Officer as aforesaid, in any other port in British India to which she may proceed or in which she may be, to levy such dues or charges.

Port-dues, &c., payable in one port recoverable by Collector at any other port.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues or charges in the manner prescribed in section fifty-two; and a certificate purporting to be made and signed by the Collector of Customs or other Officer as aforesaid of the port where the port-dues or charges became payable, stating the amount so payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section seventy.

55. If the Master of any such vessel evades the payment of any port-dues or charges payable under this Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable.

Penalty for evading payment of port-dues, &c.

In any proceeding before a Magistrate for the adjudication of such penalty, any such certificate as is mentioned in section fifty-four stating that the Master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the vessel without having discharged the dues or charges payable was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

56. Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast

Port-due on vessels in ballast.

and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

57. When any vessel enters any port subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels:

Provided that no vessel entering any of the ports subject to the Governor of Fort St. George in Council and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

Port-dues not chargeable on vessels re-entering from stress of weather.

58. No port-due shall be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Hospital Port-Dues.

Power to impose hospital port-dues.

59. The Local Government may, from time to time, by notification in the official *Gazette*, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

Such port-dues shall be called hospital port-dues.

No order imposing or increasing hospital port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the official Gazette.

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official *Gazette*, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption.

Application of hospital port-dues.

60. Such hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Fees for certain Services.

Fees for pilotage, hauling, remooring, &c.

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, remooring, hooking, measuring, and other services rendered to vessels, at such rates as the Local Government may, from time to time, direct:

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained.

The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by the former part of this section.

CHAPTER VII.

OF HOISTING SIGNALS.

Master to hoist number of vessel.

62. The Master of every inward or outward-bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hugli or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Penalty for not hoisting signal.

63. Any Master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

Pilot to require Master to hoist signal.

64. Every pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two.

And if Master refuses to do so, pilot may anchor.

When, on a requisition from the pilot to that effect, the Master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Punishment of pilot disobeying provisions of this chapter

65. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment.

CHAPTER VIII.

OF PENALTIES.

Offences how triable, and penalties how recovered.

66. All offences against this Act shall be triable by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted, to be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

67. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

Damages, &c., payable under this Act, how ascertained and recovered.

68. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

Costs of distress.

69. Whenever any fine, damages or expenses is or are levied under this Act, by distress and sale, the costs of such distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

70. If any dispute arise concerning the amount leviable by any distress or arrest under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable; and payment of such costs, if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

Jurisdiction over offences beyond local limits of jurisdiction.

71. Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the river or channel in which such offence is committed.

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

72. No conviction, order, or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits;

Form of conviction.

and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

CHAPTER IX.

MISCELLANEOUS.

Hoisting unlawful colours in Port.

73. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of Victoria, chapter 104, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

Any officer of Her Majesty's Navy within the limits of such port, or the Conservator of such Port, may enter on board any such vessel, and seize and take away any flag, jack, pendant or colour so unlawfully hoisted, carried, or worn on board the same.

Foreign Deserters.

74. Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters' Act, 1852, has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter;

and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention;

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

Application of sections 11 and 22.

75. The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-six and sixty-eight.

In any of the said ports for the shipment and landing of goods the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Disputes concerning amount due under section 15 or section 43.

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Amendment of Act XIII of 1867.

77. Act No. XIII of 1867, section one, shall be read as if for the words "and such port-due" the following words were substituted (namely),—"The port-due leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassein."

THE FIRST SCHEDULE.

(See section 2.)

PART I.—BRITISH BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Maulmain ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.
Rangoon ...	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Ditto.
Kyook Phyoo ...	Ditto ...	Not exceeding four annas per ton.	Ditto.
Akyab ...	Ditto ...	Ditto ...	Ditto.
Bassein ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ...	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.

PART II.—THE LOWER PROVINCES.

Chittagong ...	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days.
	Tug-steamers and river-steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year.
Calcutta ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Cuttack Ports,—namely, Balasore, Chúráman, Laichhunpur, Chánua, Subarnrekha, Dhámra and Sartha.	Sea-going vessels of three hundred maunds and upwards.	Not exceeding six annas per hundred maunds.	Whenever the vessel enters the port.

THE FIRST SCHEDULE—*continued.*

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern Group—			
1. Ganjam ...	Sea-going vessels of fifteen tons and upwards.	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels: provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group and an addition of half of such highest rate.	(*a.*) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days. (*b.*) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days. (*c.*) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days.
2. Gopalpur ...	Ditto ...	Ditto ...	
3. Calingapatam	Ditto ...	Ditto ...	
4. Bimlipatam ...	Ditto ...	Ditto ...	
5. Vizagapatam..	Ditto ...	Ditto ...	
6. Coconada ...	Ditto ...	Ditto ...	
7. Corings * ...			
8. Masulipatam..	Ditto ...	Ditto ...	
9. Madras ...	Ditto ...	Ditto ...	
10. Cuddalore ...	Ditto ...	Ditto ...	
11. Porto Novo ...	Ditto ...	Ditto ...	
12. Tranquebar ...	Ditto ...	Ditto ...	
13. Negapatam ...	Ditto ...	Ditto ...	
14. Nagore * ...			
15. Tuticorin ...	Ditto ...	Ditto ...	
Western Group—			
1. Mangalore ...	Ditto ...	Ditto ...	
2. Cannanore ...	Ditto ...	Ditto ...	
3. Tellicherry ...	Ditto ...	Ditto ...	
4. Calicut ...	Ditto ...	Ditto ...	
5. Beypore * ...			
6. Cochin ...	Ditto ...	Ditto ...	

In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the Continent of India or in the Island of Ceylon.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Corings, Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct.	Once in the same month.
	Tug-steamers, Ferry-steamers and River-steamers.	Ditto ...	Once between the 1st January and the 30th June and once between the 1st July and 31st December in each year.
Northern Group of Ports.			
1. Gogo ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Bávliári ...	Ditto ...	Ditto ...	Ditto.
3. Khun ...	Ditto ...	Ditto ...	Ditto.
4. Tankária ...	Ditto ...	Ditto ...	Ditto.
5. Dehegám ...	Ditto ...	Ditto ...	Ditto.
6. Dehej ...	Ditto ...	Ditto ...	Ditto.
7. Broach ...	Ditto ...	Ditto ...	Ditto.
8. Bhagwá ...	Ditto ...	Ditto ...	Ditto.
9. Surat ...	Ditto ...	Ditto ...	Ditto.
10. Matwád ...	Ditto ...	Ditto ...	Ditto.
11. Bulsar ...	Ditto ...	Ditto ...	Ditto.
12. Umarsári ...	Ditto ...	Ditto ...	Ditto.
13. Kolak ...	Ditto ...	Ditto ...	Ditto.
14. Kálai ...	Ditto ...	Ditto ...	Ditto.
15. Maroli ...	Ditto ...	Ditto ...	Ditto.
16. Umbargám ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Northern Group of Ports.—continued.			
17. Gholwad ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
18. Dáhánu creek ...	Ditto ...	Ditto ...	Ditto.
19. Tárápur ...	Ditto ...	Ditto ...	Ditto.
20. Alivárá Navápur	Ditto ...	Ditto ...	Ditto.
21. Sátpáti creek ...	Ditto ...	Ditto ...	Ditto.
22. Máhim (Kelva) ...	Ditto ...	Ditto ...	Ditto.
23. Kelva ...	Ditto ...	Ditto ...	Ditto.
24. Dántivra ...	Ditto ...	Ditto ...	Ditto.
25. Arnála ...	Ditto ...	Ditto ...	Ditto.
Southern Group of Ports.			
1. Bandora ...	Ditto ...	Ditto ...	Ditto.
2. Veráva ...	Ditto ...	Ditto ...	Ditto.
3. Manori ...	Ditto ...	Ditto ...	Ditto.
4. Utan ...	Ditto ...	Ditto ...	Ditto.
5. Bassein ...	Ditto ...	Ditto ...	Ditto.
6. Bhiwandi ...	Ditto ...	Ditto ...	Ditto.
7. Kallian ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports.—continued.			
8. Tanna ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
9. Trombay ...	Ditto ...	Ditto ...	Ditto.
10. Panwel ...	Ditto ...	Ditto ...	Ditto.
11. Karanja ...	Ditto ...	Ditto ...	Ditto.
12. Rewas ...	Ditto ...	Ditto ...	Ditto.
13. Nagothna ...	Ditto ...	Ditto ...	Ditto.
14. Thal ...	Ditto ...	Ditto ...	Ditto.
15. Alibág ...	Ditto ...	Ditto ...	Ditto.
16. Revdandá ...	Ditto ...	Ditto ...	Ditto.
17. Talkhári ...	Ditto ...	Ditto ...	Ditto.
18. Bánkot ...	Ditto ...	Ditto ...	Ditto.
19. Kelsi ...	Ditto ...	Ditto ...	Ditto.
20. Harnai ...	Ditto ...	Ditto ...	Ditto.
21. Anjanwel ...	Ditto ...	Ditto ...	Ditto.
22. Boryá ...	Ditto ...	Ditto ...	Ditto.
23. Jaygarh ...	Ditto ...	Ditto ...	Ditto.
24. Ratnágiri ...	Ditto ...	Ditto ...	Ditto.
25. Purnagarh ...	Ditto ...	Ditto ...	Ditto.
26. Yeshwantgarh ...	Ditto ...	Ditto ...	Ditto.
27. Viziádurg ...	Ditto ...	Ditto ...	Ditto.
28. Devgarh ...	Ditto ...	Ditto ...	Ditto.
29. Áchara ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*concluded.*

PART IV.—THE BOMBAY PRESIDENCY—*concluded.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports.—continued.			
30. Málwan ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
31. Nivti ...	Ditto ...	Ditto ...	Ditto.
32. Vengorla ...	Ditto ...	Ditto ...	Ditto.
33. Reri ...	Ditto ...	Ditto ...	Ditto.
34. Tirekhol ...	Ditto ...	Ditto ...	Ditto.
35. Karwar including Baitkhol.	Ditto ...	Ditto ...	Ditto.
36. Chendya ...	Ditto ...	Ditto ...	Ditto.
37. Ankola ...	Ditto ...	Ditto ...	Ditto.
38. Gangawali ...	Ditto ...	Ditto ...	Ditto.
39. Tadri ...	Ditto ...	Ditto ...	Ditto.
40. Honáwar ...	Ditto ...	Ditto ...	Ditto.
41. Shiráli ...	Ditto ...	Ditto ...	Ditto.
42. Coomta ...	Ditto ...	Ditto ...	Ditto.
43. Murdheshwar ...	Ditto ...	Ditto ...	Ditto.
44. Bhatkal ...	Ditto ...	Ditto ...	Ditto.
Karáchi	Ditto ...	Four annas per ton	Once in three months.
	Tug-steamers and river-steamers.	Ditto ...	Once between the 1st January and the 30th day of June and once between the 1st July and the 31st December in each year.
Aden	Sea-going vessels of ten tons and upwards.	Three annas per ton	Once a month.

THE SECOND SCHEDULE.

(See section 3.)

Number and year.	Subject.	Extent of repeal.
Act XIII of 1839 ...	Port duties.	So much as has not been repealed.
Act XXII of 1855 ...	Ports and Port-dues.	Ditto.
Act XIII of 1856 ...	Police in Presidency Towns.	Section 117.
Act XXX of 1857 ...	Port-dues and Fees (Calcutta).	The whole.
Act XXXI of 1857 ...	Port-dues and Fees (Bombay).	Ditto.
Act XXXV of 1857 ...	Port-dues and Fees (Maulmain, Rangoon, &c.)	Ditto.
Act II of 1858 ...	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto.
Act VIII of 1858. ...	Port-dues and Fees (Karáchi).	Ditto.
Act XV of 1858 ...	Port-dues and Fees (Port of Aden).	Ditto.
Act XVIII of 1858 ...	Port-dues and Fees (certain Madras Ports.)	Ditto.
Act XIX of 1860 ...	Amending Act XXII of 1855.	Ditto.
Act XXV of 1860 ...	Bassein.	Ditto.
Act XIII of 1867 ...	Amending Act XXV of 1860.	In the title, the words "*for the levy of enhanced Port-dues in the Ports of Moulmain and Bassein, and*"
		The preamble down to and including the words "mentioned; And"
		Section one down to and including the word "Bassein."
Act VII of 1873 ...	Burma Port-dues.	The whole.
Bengal Act I of 1862 ...	Hoisting Signals.	Ditto.
Bengal Act I of 1863 ...	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto.
Bengal Act III of 1865 ...	Fire in Ports.	Sections 3 and 4.
		Section 8, clauses 1 and 2.
		Section 10.
Bengal Act IV of 1866 ...	Amending Act XIII of 1856.	Section 103.
Bengal Act III of 1867 ...	Ships in Ports.	Sections 7, 11, 12 and 18.
Bengal Act III of 1872 ...	Amending Bengal Act V of 1870 and Act XXII of 1855.	Section 5.
Madras Act I of 1864 ...	Extension of parts of Act XXII of 1855.	The whole.
Madras Act VII of 1867 ...	Port-dues.	Ditto.
Madras Act VIII of 1867 ...	Madras Police.	Section 80.
Bombay Act IV of 1863 ...	Amending Act XV of 1858 (Port-dues, Aden).	The whole.
Bombay Act XI of 1866 ...	Port-dues.	Ditto.
Bombay Act I of 1873 ...	Bombay Port Trust Act, 1873.	Section 75.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and is hereby promulgated for general information:—

ACT No. XIII OF 1875.

An Act to amend the law relating to Probates and Letters of Administration.

Preamble.

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate or letters of administration made by any Court in British India is confined to the Province in which such grant is made: And whereas it is expedient to extend over British India the effect of such grants when made by a High Court: And whereas it is also expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration: It is hereby enacted as follows:—

Addition to Act No. X of 1865, section 3.

1. To section 3 of the Indian Succession Act, 1865, the following words shall be added (namely):—

"and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon."

Addition to Act No. X of 1865, section 242.

2. To section 242 of the Indian Succession Act, 1865, the following proviso shall be added (namely):—

"Provided that probates and letters of administration granted by a High Court after the first day of April, 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

Effect of unlimited probates, &c., granted by High Court.

Addition to Act No. X of 1865.

3. The following section shall be inserted after the said proviso (namely):—

"242A. Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or such other officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect:—

Transmission of certificate by High Court granting probate, &c., to other Courts.

I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 187 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the High Court receiving the same."

Addition after section 246 of Act X of 1865.

4. After section 246 of the Indian Succession Act, 1865, the following section shall be inserted (namely):—

"246A. Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

Additional statements in petition for probate, &c.

or, where any such application has been made, the High Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same."

Addition after section 277 of Act X of 1865.

5. After section 277 of the Indian Succession Act, 1865, the following section shall be inserted (namely):—

"277A. In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects of any person dying in British India and leaving property in more than one Province shall include in the inventory of the effects of the deceased his moveable or immoveable property situate in each of the Provinces:

Inventory may include property in any part of British India.

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

Addition to Act No. VII of 1870.

6. After section nineteen of the Court Fees Act, 1870, the following chapter shall be inserted, (namely):—

"CHAPTER III A.

"PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION.

Relief where too high a Court-fee has been paid.

"19A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

(*a*) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;

(*b*) substitute another stamp for denoting the Court-fee which should have been paid thereon; and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

"19 B. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

Relief where debts due from a deceased person have been paid out of his estate.

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

"19 C. Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate;

Relief in case of several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

"19 D. The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration.

Probates declared valid as to trust-property though not covered by Court-fee.

"19 E. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted, may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters:

Provision for case where too low a Court-fee has been paid on probates, &c.

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

"19 F. In case of letters of administration on which too low a Court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Administrator to give proper security before letters stamped under section 19 E.

"19 G. Where too low a Court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1875, or after the discovery of the mistake, or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper Court-fee.

Executors, &c., not paying full Court-fee on probates, &c., within six months after discovery of underpayment.

"19 H. The provisions of sections 19 A to 19 G (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act No. XX of 1864 (*for making better provision for the care of the persons and property of Minors in the Presidency of Bombay*) and to the holders of such certificates."

Sections 19A to 19G applied to certificates under Acts XL of 1858 and XX of 1864.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, APRIL 3, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and is hereby promulgated for general information:—

ACT No. XII OF 1875.

THE INDIAN PORTS ACT, 1875.

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THE FIRST SCHEDULE.—Ports, vessels chargeable, rate of port-dues, and frequency of payment.

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An Act to consolidate and amend the law relating to Ports and Port-dues.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Ports Act, 1875:"

2. It shall extend—

Present local extent.

(*a*) to the ports mentioned in the first schedule hereto annexed, and to such parts of the navigable rivers and channels leading to such ports respectively, as have been declared to be subject to Act No. XXII of 1855 (*for the regulation of Ports and Port-dues*);

Power to extend this Act.

(*b*) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act.

But nothing herein contained shall—

(*c*) apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State;

(*d*) deprive any person of any right of property or other private right except as hereinafter expressly provided; or

(*e*) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto.

And nothing contained in any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government.

Repeal of Acts.

3. The Acts mentioned in the second schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Every declaration, appointment or rule made under any such Act and now in force shall be deemed to have been made under this Act.

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be.

Interpretation-clause.

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

"Vessel."

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

"Master."

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

"Pilot."

"Pilot" means a person for the time being authorized by the Local Government to pilot vessels:

"Owner."

"Owner" includes also any agent to whom a vessel is consigned:

"Gunpowder."

"Gunpowder" includes also rockets and other combustible ammunition:

"Magistrate."

"Magistrate" means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police; and

"Port."

"Port" includes also any part of a river or channel in which this Act is for the time being in force.

CHAPTER II.

OF THE POWERS OF THE LOCAL GOVERNMENT.

Power to extend this Act.

5. With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette,

(*a*) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force,

Power to extend specially sections 38, 39, 40 and 41.

(*b*) extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended,

Power to withdraw this Act.

(*c*) withdraw this Act from any port or any part thereof in which it is for the time being in force:

Provided that every notification under clause (*a*) or clause (*b*) of this section may define the limits of the port, river or channel to which it refers, and that such limits may extend to high-water-mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, **maintenance and good government of such port, river or channel, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line.**

EXPLANATION:—In this section 'high-water-mark' means the highest point reached by ordinary spring-tides at any season of the year.

Limits how to be altered.

6. The Local Government may from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits.

Local Government empowered to make Port-rules as to—

7. The Local Government may, from time to time, make such rules, consistent with this Act, as it may think necessary for any of the following purposes, namely,—

entering or leaving Port:

(*a*) for regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act:

berths of vessels:

(*b*) for regulating the berths, stations and anchorages to be occupied by vessels in any such port:

striking yards, &c.:

(*c*) for striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port; and for swinging or taking-in davits, boats and other things projecting from such vessels:

removal of anchors, &c.:

(*d*) for the removal or proper hanging or placing of anchors, spars, and other things, in or attached to vessels in any such port:

(*e*) for regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged :

taking in or discharging ballast :

(*f*) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same; and for marking out the spaces so to be kept free :

keeping free passage :

(*g*) for regulating the anchoring, fastening, mooring, and unmooring of vessels in any such port :

regulating the anchoring :

(*h*) for regulating the moving and warping of all vessels within any such port and the use of warps therein :

moving and warping :

(*i*) for regulating the use of the mooring buoys, chain and other moorings, in any such port :

use of mooring buoys :

(*j*) for fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government :

rates for use of mooring buoys :

(*k*) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port :

cargo boats, &c. :

(*l*) for regulating the use of fires and lights within any such port :

fires and lights :

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signal-lights :

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port :

number of crew :

(*o*) for fixing the limits within which vessels shall be prohibited from having on board in any such port any quantity of gunpowder in excess of such quantity as the Local Government prescribes in this behalf.

possession of gunpowder.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8. The Local Government shall appoint some officer or body of persons to be Conservator of every port subject to this Act, and may suspend or remove such officer or body.

Appointment of Conservator.

Subject to any direction by the Local Government to the contrary—

(*a*) in ports where there is a Master Attendant, such Master Attendant shall be the Conservator :

(*b*) in ports where there is no Master Attendant, but where there is a Harbour-Master, such Harbour-Master shall be the Conservator.

Where the Harbour-Master is not Conservator, the Harbour-Master and his Assistants shall be subordinate to, and subject to the control of, the Conservator.

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

9. The Conservator of any port subject to this Act may, in respect of any vessel within such port, give directions for carrying into effect any port-rule for the time being in force therein.

Conservator empowered to give directions for certain specified purposes.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction;

Penalty for disobedience to Conservator's orders.

and, in case of such refusal or neglect, the said Conservator may do, or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose; and all reasonable expenses incurred in doing such acts shall be paid by the person so offending.

Expenses caused thereby to be paid by offender.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

Service of written notice.

10. The Conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or hawser, endangering the safety of any vessel in such port or at or near to the entrance thereof.

Power to cut warps, ropes, &c.

11. The Conservator may remove or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property;

Power to remove floating timber, &c., or obstruction on shore within limits of Port.

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal;

Expenses of removal.

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees.

Penalties for causing obstruction or public nuisance.

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated.

12. If the owner of any such timber or raft, or the person who has caused any such obstruction, impediment, or public nuisance as is mentioned in section eleven, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act;

Recovery of expenses of removal.

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or

Power to sell timber, &c.

obstruction so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of such sale; and shall pay the surplus of such proceeds or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same;

Proceeds how dealt with.

and, if no such person appear, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for the information of the Local Government and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same.

Removal of obstructions lawfully made.

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes.

Compensation how determined.

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the Conservator, and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel;

Notice to Conservator, if vessel fouls Government moorings.

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Expense of clearing vessel.

Any Master offending against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees.

Penalty.

15. If any vessel be wrecked, stranded or sunk, in any such port, so as to impede or be likely to impede the navigation thereof, the Conservator may cause the same to be raised, removed, or destroyed;

Power to raise wreck, &c., impeding navigation within the port.

and may recover the same on behalf of the Local Government in the manner provided by section forty-four.

Expense how recoverable.

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him;

Power to board vessels.

and the Collector of Customs, or other officer appointed to collect any port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any officer or other person to board or enter such vessel, building or place for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees.

17. For the purpose of preventing or extinguishing fire in any port subject to this Act, the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such Master.

Power to require crews to prevent or extinguish fire.

Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his orders who after being directed by the Master to obey the Conservator's orders for the purpose aforesaid refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees.

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour-Master or any Assistant of such Conservator or Harbour-Master,

Powers of Conservator may be exercised by Harbour-Master.

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary.

19. The Government shall not be answerable for any act or default of any Master Attendant, Harbour-Master, or other Conservator of any port subject to this Act; or of any Pilot; or of any Deputy or Assistant of any of the officers above-mentioned; or of any person acting under the authority or direction of any such Officer or Assistant, done within the limits of such port;

Indemnity to Government against default of Harbour-Master, &c.

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

Proviso.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS.

20. No person shall without lawful excuse lift, injure, loosen, or set adrift any buoy, beacon, or mooring fixed or laid down by or by the authority of the Local Government in any port subject to this Act.

Injuring buoys, &c.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Wilfully loosening vessel from moorings.

22. No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

Improperly discharging ballast.

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months.

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government.

23. If any person grave, bream, or smoke any vessel in any such port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

Graving, &c., vessel within prohibited limits.

24. If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees.

Boiling pitch, &c., on board vessel within prohibited limits.

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, such person, and also the Master of every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

Drawing spirits by unprotected artificial light.

26. Every Master of a vessel in any port subject to this Act shall, when required so to do by the Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp to be let go until required so to do.

Warping.

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

27. No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel navigating in such port.

Leaving out hawser, &c., after sun-set.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

Gunpowder.

28. The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (*o*), for any ship in any port subject to this Act, shall be deposited; and shall also appoint an officer to receive the same.

Place of deposit for gunpowder.

29. The Local Government may in such case by order fix the times at or within which, and the manner in which, such gunpowder, shall be landed and deposited by any vessel inward-bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit.

Government to fix time and manner of landing and shipping powder, &c.

30. The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

Master to make declaration.

31. The officer with whom such gunpowder is deposited shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same.

Officer to give receipt and to account for powder deposited.

32. If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, the master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

If by stress of weather powder is not landed, notice to be given.

33. The Local Government may also, in respect to such port, by order, fix the times and places at which, and the manner in which, vessels outward-bound, requiring to take in any gunpowder, exceeding the quantity above-mentioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

Time, &c., for vessels outward-bound to take in powder.

34. The Master of any vessel having on board any gunpowder, contrary to the provisions of this Act, shall for every such offence be punished with fine which may extend to two hundred rupees;

Penalties for having prohibited powder on board.

and all gunpowder on board any vessel contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom-house officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions.

35. Whoever, without lawful excuse, discharges any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Guns not to be discharged in port.

Exception.

Penalty.

Extinguishment of Fires.

36. The Master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty on Master omitting to take order to extinguish fire.

Inflammable Oil.

37. The Local Government may from time to time make rules for regulating

Power to make rules for prevention of fire from inflammable oil.

(*a*) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored,

(*b*) the mode in which such oil shall be landed from or shipped on board of such vessels.

Explanation.—"Inflammable oil" includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

Special Rules.

38. No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended without having a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master on board; and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority.

Vessels in certain cases not to be moved without having a pilot, &c., or permission of Harbour-Master.

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the Master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the Master be unable to procure a Pilot, Harbour-Master or Assistant of the Master Attendant or Harbour-Master to go on board the said vessel.

39. Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with a proper force-pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

Vessels above 200 tons to be provided with force-pump, &c.

The Master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees.

40. No person, unless duly authorized by the Conservator, shall creep or sweep in any such port for anchors, cables or other stores lost or supposed to be lost therein.

Unauthorized person not to search for lost stores.

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees.

41. No person shall, without the permission of the Conservator, remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any such port;

Removing stones, &c., or injuring shores of port prohibited.

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in or overlook the performance of such work.

Whoever offends against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore.

Publication of Orders.

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the official Gazette; and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order relates and in the Custom-house, if any, of every port subject to this Act.

Publication of orders of Local Government.

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence.

Penalty for disobedience to rules.

And in the case of disobedience to any made under section thirty-seven the owner or Master of the vessel concerned shall also be punished with a fine not exceeding two hundred rupees for each day during which such rule is disobeyed.

CHAPTER V.

OF SALVAGE IN PORTS.

43. If any anchors, wreck, stores, or other property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

Salvage payable for wreck, &c.

A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct.

Register to be kept.

It shall contain a description of such property, and of the times and places where the same has been recovered;

and it shall be open to public inspection at reasonable office-hours, except on Sundays and such holidays as the Local Government may direct.

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

Property recovered may, in certain cases, be sold.

or if the person claiming the same fails to pay the amount due to the Local Government in respect thereof,

such property may be sold by public auction, if of a perishable nature, forthwith; and if not of a perishable nature, at any period not less than six months after the recovery thereof;

and on the realization of the proceeds, the amount due to the Local Government for salvage, or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same:

Proceeds how applied.

Provided that he makes his claim within one year from the date of the sale.

CHAPTER VI.

OF PORT-DUES AND CHARGES.

45. In each of the ports mentioned in the first schedule hereto annexed, such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule.

Levy of port-dues.

Whenever the Local Government with the previous sanction of the Governor General in Council has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare—

(*a*) the maximum amount of dues to be levied on vessels entering such port;

(*b*) the conditions and modifications under which such dues shall be levied;

and may also, from time to time, with the like sanction, vary such conditions and modifications; and such dues shall be levied accordingly.

All port-dues now leviable in any of the said ports shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

No port-dues or fees shall hereafter be levied in any port except under the authority of this Act.

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette.

46. The Local Government may, from time to time, exempt the vessels entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as, having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them;

Local Government may vary port-dues.

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act.

Proviso.

47. For every port at which port-dues are levied under this Act, a distinct account, to be called the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

Accounts of port-dues.

This account shall show in complete detail the receipts and charges of the port; and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, **at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof.**

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the rivers or channels leading thereto, but excluding receipts and expenses on account of pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port.

And all money, including salvage-money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port.

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port; and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

48. The Collector of Customs at every such port, or such other officer as the Local Government appoints in this behalf, shall collect the port-dues above-mentioned.

Collection of port-dues.

The officer to whom any such port-dues are paid, shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

Voucher to be given.

49. Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this or any subsequent Act, the Master of such vessel shall report such arrival to the Conservator of such port.

Master to report arrival.

Any Master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

50. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern-posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the Master of such vessel shall be liable to pay the expenses of such operation.

Conservator may in certain cases ascertain draught, and charge expense to Master.

51. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed:—

Tonnage of vessel liable to port-dues how ascertained

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

if registered;

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

if not registered.

52. If the Master of any vessel, in respect of which any port-dues or charges are payable under this Act refuses or neglects to pay the same on demand, the Collector of Customs, or other person authorized to collect such port-dues, fees or charges, may distrain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

On refusal to pay port-dues, &c., the Collector may distrain and sell.

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

53. The Officer of Government, whose duty it is to grant a port-clearance for any vessel, shall not grant such clearance—

No port-clearance to be granted until dues, &c., are paid.

(*a*) until her owner or Master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges, and of all fines, penalties and expenses to which such vessel or her owner or Master is liable under this Act;

(*b*) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the port from which she seeks clearance, have been duly paid.

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her to leave any port without having discharged such dues, fees, or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other Officer as aforesaid, in any other port in British India to which she may proceed or in which she may be, to levy such dues or charges.

Port-dues, &c., payable in one port recoverable by Collector at any other port.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues or charges in the manner prescribed in section fifty-two; and a certificate purporting to be made and signed by the Collector of Customs or other Officer as aforesaid of the port where the port-dues or charges became payable, stating the amount so payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section seventy.

55. If the Master of any such vessel evades the payment of any port-dues or charges payable under this Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable.

Penalty for evading payment of port-dues, &c.

In any proceeding before a Magistrate for the adjudication of such penalty, any such certificate as is mentioned in section fifty-four stating that the Master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the vessel without having discharged the dues or charges payable was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

56. Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast

Port-due on vessels in ballast.

and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

Port-due on vessels not discharging or taking in cargo.

57. When any vessel enters any port subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels:

Provided that no vessel entering any of the ports subject to the Governor of Fort St. George in Council and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

Port-dues not chargeable on vessels re-entering from stress of weather.

58. No port-due shall be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.

Hospital Port-Dues.

Power to impose hospital port-dues.

59. The Local Government may, from time to time, by notification in the official *Gazette*, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

Such port-dues shall be called hospital port-dues.

No order imposing or increasing hospital port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the official Gazette.

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official *Gazette*, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption.

Application of hospital port-dues.

60. Such hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Fees for certain Services.

Fees for pilotage, hauling, remooring, &c.

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, remooring, hooking, measuring, and other services rendered to vessels, at such rates as the Local Government may, from time to time, direct:

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained.

The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by the former part of this section.

CHAPTER VII.

OF HOISTING SIGNALS.

Master to hoist number of vessel.

62. The Master of every inward or outward-bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hugli or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

Penalty for not hoisting signal.

63. Any Master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

Pilot to require Master to hoist signal.

64. Every pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two.

And if Master refuses to do so, pilot may anchor.

When, on a requisition from the pilot to that effect, the Master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

Punishment of pilot disobeying provisions of this chapter.

65. Any pilot in charge of a vessel who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment.

CHAPTER VIII.

OF PENALTIES.

Offences how triable, and penalties how recovered.

66. All offences against this Act shall be triable by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted, to be levied by distress and sale of such vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Costs of conviction.

67. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

Damages, &c., payable under this Act, how ascertained and recovered.

68. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

Costs of distress.

69. Whenever any fine, damages or expenses is or are levied under this Act, by distress and sale, the costs of such distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

70. If any dispute arise concerning the amount leviable by any distress or arrest under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable; and payment of such costs, if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

Jurisdiction over offences beyond local limits of jurisdiction.

71. Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the river or channel in which such offence is committed.

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

72. No conviction, order, or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits;

Form of conviction.

and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

CHAPTER IX.

MISCELLANEOUS.

Hoisting unlawful colours in Port.

73. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of Victoria, chapter 104, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

Any officer of Her Majesty's Navy within the limits of such port, or the Conservator of such Port, may enter on board any such vessel, and seize and take away any flag, jack, pendant, or colour so unlawfully hoisted, carried, or worn on board the same.

Foreign Deserters.

74. Any Magistrate, upon an application being made to him by the Consul of any Foreign Power to which the Foreign Deserters' Act, 1852, has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign Power, may, until a revocation of such Order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter;

and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention;

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

Application of sections 11 and 22.

75. The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-six and sixty-eight.

In any of the said ports for the shipment and landing of goods the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Disputes concerning amount due under section 15 or section 43.

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

Amendment of Act XIII of 1867.

77. Act No. XIII of 1867, section one, shall be read as if for the words "and such port-due" the following words were substituted (namely),—"The port-due leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassein."

THE FIRST SCHEDULE.

(See section 2.)

PART I.—BRITISH BURMA.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Maulmain ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Not exceeding four annas per ton.	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.
Rangoon ...	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton.	Ditto.
Kyook Phyoo ...	Ditto ...	Not exceeding four annas per ton.	Ditto.
Akyab ...	Ditto ...	Ditto ...	Ditto.
Bassein ...	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ...	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton.	Ditto.

PART II.—THE LOWER PROVINCES.

Chittagong ...	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days.
	Tug-steamers and river-steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year.
Calcutta ...	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton; provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of *dhonis* and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days.
	Tug-steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Cuttack Ports,—namely, Balasore, Chúráman, Laichhunpur, Chánua, Subarnrekha, Dhámra and Sartha.	Sea-going vessels of three hundred maunds and upwards.	Not exceeding six annas per hundred maunds.	Whenever the vessel enters the port.

THE FIRST SCHEDULE—*continued.*

PART III.—THE MADRAS PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Eastern Group—			
1. Ganjam ...	Sea-going vessels of fifteen tons and upwards.	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels: provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group and an addition of half of such highest rate.	(*a.*) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days. (*b.*) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days. (*c.*) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days.
2. Gopalpur ...	Ditto ...	Ditto ...	
3. Calingapatam	Ditto ...	Ditto ...	
4. Bimlipatam ...	Ditto ...	Ditto ...	
5. Vizagapatam..	Ditto ...	Ditto ...	
6. Coconada ...	Ditto ...	Ditto ...	
7. Coringa * ...			
8. Masulipatam..	Ditto ...	Ditto ...	
9. Madras ...	Ditto ...	Ditto ...	
10. Cuddalore ...	Ditto ...	Ditto ...	
11. Porto Novo ...	Ditto ...	Ditto ...	
12. Tranquebar ...	Ditto ...	Ditto ...	
13. Negapatam ...	Ditto ...	Ditto ...	
14. Nagore * ...			
15. Tuticorin ...	Ditto ...	Ditto ...	
Western Group—			
1. Mangalore ...	Ditto ...	Ditto ...	
2. Cannanore ...	Ditto ...	Ditto ...	
3. Tellicherry ...	Ditto ...	Ditto ...	
4. Calicut ...	Ditto ...	Ditto ...	
5. Beypore * ...			
6. Cochin ...	Ditto ...	Ditto ...	

In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the Continent of India or in the Island of Ceylon.

NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Coringa Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port; every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Bombay ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct.	Once in the same month.
	Tug-steamers, Ferry-steamers and River-steamers.	Ditto ...	Once between the 1st January and the 30th June and once between the 1st July and 31st December in each year.
Northern Group of Ports.			
1. Gogo ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Bávliári ...	Ditto ...	Ditto ...	Ditto.
3. Khun ...	Ditto ...	Ditto ...	Ditto.
4. Tankária ...	Ditto ...	Ditto ...	Ditto.
5. Dehegám ...	Ditto ...	Ditto ...	Ditto.
6. Dehej ...	Ditto ...	Ditto ...	Ditto.
7. Broach ...	Ditto ...	Ditto ...	Ditto.
8. Bhagwá ...	Ditto ...	Ditto ...	Ditto.
9. Surat ...	Ditto ...	Ditto ...	Ditto.
10. Matwád ...	Ditto ...	Ditto ...	Ditto.
11. Bulsar ...	Ditto ...	Ditto ...	Ditto.
12. Umarsári ...	Ditto ...	Ditto ...	Ditto.
13. Kolak ...	Ditto ...	Ditto ...	Ditto.
14. Kálai ...	Ditto ...	Ditto ...	Ditto.
15. Maroli ...	Ditto ...	Ditto ...	Ditto.
16. Umbargám ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Northern Group of Ports.—continued.			
17. Gholwad ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
18. Dáhánu creek ...	Ditto ...	Ditto ...	Ditto.
19. Túrápur ...	Ditto ...	Ditto ...	Ditto.
20. Alivárá Navápur	Ditto ...	Ditto ...	Ditto.
21. Sátpáti creek ...	Ditto ...	Ditto ...	Ditto.
22. Máhim (Kelva) ...	Ditto ...	Ditto ...	Ditto.
23. Kelva ...	Ditto ...	Ditto ...	Ditto.
24. Dántivra ...	Ditto ...	Ditto ...	Ditto.
25. Arnála ...	Ditto ...	Ditto ...	Ditto.
Southern Group of Ports.			
1. Bandora ...	Ditto ...	Ditto ...	Ditto.
2. Veráva ...	Ditto ...	Ditto ...	Ditto.
3. Manori ...	Ditto ...	Ditto ...	Ditto.
4. Utan ...	Ditto ...	Ditto ...	Ditto.
5. Bassein ...	Ditto ...	Ditto ...	Ditto.
6. Bhiwandi ...	Ditto ...	Ditto ...	Ditto.
7. Kallian ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*continued.*

PART IV.—THE BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports.—continued.			
8. Tanna ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
9. Trombay ...	Ditto ...	Ditto ...	Ditto.
10. Panwel ...	Ditto ...	Ditto ...	Ditto.
11. Karanja ...	Ditto ...	Ditto ...	Ditto.
12. Rewas ...	Ditto ...	Ditto ...	Ditto.
13. Nagothna ...	Ditto ...	Ditto ...	Ditto.
14. Thal ...	Ditto ...	Ditto ...	Ditto.
15. Alibág ...	Ditto ...	Ditto ...	Ditto.
16. Revdandá ...	Ditto ...	Ditto ...	Ditto.
17. Talkhári ...	Ditto ...	Ditto ...	Ditto.
18. Bánkot ...	Ditto ...	Ditto ...	Ditto.
19. Kelsi ...	Ditto ...	Ditto ...	Ditto.
20. Harnai ...	Ditto ...	Ditto ...	Ditto.
21. Anjanwel ...	Ditto ...	Ditto ...	Ditto.
22. Boryá ...	Ditto ...	Ditto ...	Ditto.
23. Jaygarh ...	Ditto ...	Ditto ...	Ditto.
24. Ratnágiri ...	Ditto ...	Ditto ...	Ditto.
25. Purnagarh ...	Ditto ...	Ditto ...	Ditto.
26. Yeshwantgarh ...	Ditto ...	Ditto ...	Ditto.
27. Viziádurg ...	Ditto ...	Ditto ...	Ditto.
28. Devgarh ...	Ditto ...	Ditto ...	Ditto.
29. Áchara ...	Ditto ...	Ditto ...	Ditto.

THE FIRST SCHEDULE—*concluded.*

PART IV.—THE BOMBAY PRESIDENCY—*concluded.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
Southern Group of Ports.—continued.			
30. Málwan ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
31. Nivti ...	Ditto ...	Ditto ...	Ditto.
32. Vengorla ...	Ditto ...	Ditto ...	Ditto.
33. Reri ...	Ditto ...	Ditto ...	Ditto.
34. Tirekhol ...	Ditto ...	Ditto ...	Ditto.
35. Karwar including Baitkhol.	Ditto ...	Ditto ...	Ditto.
36. Chendya ...	Ditto ...	Ditto ...	Ditto.
37. Ankola ...	Ditto ...	Ditto ...	Ditto.
38. Gangawali ...	Ditto ...	Ditto ...	Ditto.
39. Tadri ...	Ditto ...	Ditto ...	Ditto.
40. Honáwar ...	Ditto ...	Ditto ...	Ditto.
41. Shiráli ...	Ditto ...	Ditto ...	Ditto.
42. Coomta ...	Ditto ...	Ditto ...	Ditto.
43. Murdheshwar ...	Ditto ...	Ditto ...	Ditto.
44. Bhatkal ...	Ditto ...	Ditto ...	Ditto.
Karáchi	Ditto ...	Four annas per ton	Once in three months.
	Tug-steamers and river-steamers.	Ditto ...	Once between the 1st January and the 30th day of June and once between the 1st July and the 31st December in each year.
Aden	Sea-going vessels of ten tons and upwards.	Three annas per ton	Once a month.

THE SECOND SCHEDULE.

(See section 3.)

Number and year.	Subject.	Extent of repeal.
Act XIII of 1839 ...	Port duties.	So much as has not been repealed.
Act XXII of 1855 ...	Ports and Port-dues.	Ditto.
Act XIII of 1856 ...	Police in Presidency Towns.	Section 117.
Act XXX of 1857 ...	Port-dues and Fees (Calcutta).	The whole.
Act XXXI of 1857 ...	Port-dues and Fees (Bombay).	Ditto.
Act XXXV of 1857 ...	Port-dues and Fees (Maulmain, Rangoon, &c.)	Ditto.
Act II of 1858 ...	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto.
Act VIII of 1858. ...	Port-dues and Fees (Karáchi).	Ditto.
Act XV of 1858 ...	Port-dues and Fees (Port of Aden).	Ditto.
Act XVIII of 1858 ...	Port-dues and Fees (certain Madras Ports.)	Ditto.
Act XIX of 1860 ...	Amending Act XXII of 1855.	Ditto.
Act XXV of 1860 ...	Bassein.	Ditto.
Act XIII of 1867 ...	Amending Act XXV of 1860.	In the title, the words "*for the levy of enhanced Port-dues in the Ports of Moulmain and Bassein, and*" The preamble down to and including the words "mentioned; And" Section one down to and including the word "Bassein."
Act VII of 1873 ...	Burma Port-dues.	The whole.
Bengal Act I of 1862 ...	Hoisting Signals.	Ditto.
Bengal Act I of 1863 ...	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto.
Bengal Act III of 1865 ...	Fire in Ports.	Sections 3 and 4. Section 8, clauses 1 and 2. Section 10.
Bengal Act IV of 1866 ...	Amending Act XIII of 1856.	Section 103.
Bengal Act III of 1867 ...	Ships in Ports.	Sections 7, 11, 12 and 13.
Bengal Act III of 1872 ...	Amending Bengal Act V of 1870 and Act XXII of 1855.	Section 5.
Madras Act I of 1864 ...	Extension of parts of Act XXII of 1855.	The whole.
Madras Act VII of 1867 ...	Port-dues.	Ditto.
Madras Act VIII of 1867 ...	Madras Police.	Section 80.
Bombay Act IV of 1863 ...	Amending Act XV of 1858 (Port-dues, Aden).	The whole.
Bombay Act XI of 1866 ...	Port-dues.	Ditto.
Bombay Act I of 1873 ...	Bombay Port Trust Act, 1873.	Section 75.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and is hereby promulgated for general information:—

ACT No. XIII OF 1875.

An Act to amend the law relating to Probates and Letters of Administration.

Preamble.

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate or letters of administration made by any Court in British India is confined to the Province in which such grant is made: And whereas it is expedient to extend over British India the effect of such grants when made by a High Court: And whereas it is also expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration: It is hereby enacted as follows:—

Addition to Act No. X of 1865, section 3.

1. To section 3 of the Indian Succession Act, 1865, the following words shall be added (namely):—

"and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon."

Addition to Act No. X of 1865, section 242.

2. To section 242 of the Indian Succession Act, 1865, the following proviso shall be added (namely):—

Effect of unlimited probates, &c., granted by High Court.

"Provided that probates and letters of administration granted by a High Court after the first day of April, 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

Addition to Act No. X of 1865.

3. The following section shall be inserted after the said proviso (namely):—

Transmission of certificate by High Court granting probate, &c., to other Courts.

"**242A.** Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or such other officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect:—

"I, *A. B.*, Registrar [*or as the case may be*] of the High Court of Judicature at [*or as the case may be*], hereby certify that on the day of 187 the High Court of Judicature at [*or as the case may be*] granted probate of the will [*or* letters of administration of the estate] of *C. D.*, late of deceased, to *E. F.* of and *G. H.* of , and that such probate [*or* letters] has [*or* have] effect over all the property of the deceased throughout the whole of British India;

and such certificate shall be filed by the High Court receiving the same."

Addition after section 246 of Act X of 1865.

4. After section 246 of the Indian Succession Act, 1865, the following section shall be inserted (namely):—

Additional statements in petition for probate, &c.

"**246A.** Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the High Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same."

Addition after section 277 of Act X of 1865.

5. After section 277 of the Indian Succession Act, 1865, the following section shall be inserted (namely):—

Inventory may include property in any part of British India.

"**277A.** In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects of any person dying in British India and leaving property in more than one Province shall include in the inventory of the effects of the deceased his moveable or immoveable property situate in each of the Provinces:

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

Addition to Act No. VII of 1870.

6. After section nineteen of the Court Fees Act, 1870, the following chapter shall be inserted, (namely):—

"CHAPTER III A.

"PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATES OF ADMINISTRATION.

Relief where too high a Court-fee has been paid.

"**19A.** Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

(*a*) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;

(*b*) substitute another stamp for denoting the Court-fee which should have been paid thereon; and

(*c*) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

"19 B. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

Relief where debts due from a deceased person have been paid out of his estate.

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

"19 C. Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate;

Relief in case of several grants.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

"19 D. The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration.

Probates declared valid as to trust-property though not covered by Court-fee.

"19 E. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted, may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters:

Provision for case where too low a Court-fee has been paid on probates, &c.

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

"19 F. In case of letters of administration on which too low a Court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

Administrator to give proper security before letters stamped under section 19 E.

"19 G. Where too low a Court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1875, or after the discovery of the mistake, or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper Court-fee.

Executors, &c., not paying full Court-fee on probates, &c., within six months after discovery of underpayment.

"19 H. The provisions of sections 19 A to 19 G (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act No. XX of 1864 (*for making better provision for the care of the persons and property of Minors in the Presidency of Bombay*) and to the holders of such certificates."

Sections 19A to 19G applied to certificates under Acts XL of 1858 and XX of 1864.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 3, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st July 1875, and is hereby promulgated for general information:—

ACT No. XIV OF 1875.

An Act to amend the law relating to certain Courts and Offices in the Panjáb.

Whereas it is expedient to amend the law relating to certain Courts and Offices in the Panjáb; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Panjáb Judicial Administration Act, 1875:"

Short title.

It extends to all the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. Section twenty of the Panjáb Courts Act, 1865, is repealed in so far as it relates to the powers of a Deputy Commissioner.

Repeal of Act XIX of 1865, s. 20.

3. All or any of the powers conferred by, or conferrible under, the said Act, or by or under any other enactment for the time being in force,

The Local Government may confer powers—

of a Tahsíldár, (*a*) on a Tahsíldár, or

of a Deputy Commissioner. (*b*) on a Deputy Commissioner as such or as a principal Civil Court of original jurisdiction,

may be conferred by the Local Government on any person they think fit.

4. Any person invested with powers under section three shall exercise such powers in such District or Districts, or in such portion of a District, as the Local Government may from time to time appoint in this behalf, and in such cases or classes of cases as the Deputy Commissioner of the District may from time to time, subject to any rules prescribed in this behalf by the Local Government, by general or special order direct.

Such powers where and in what cases to be exercised.

5. Any person exercising any of the said powers shall, for the purposes of the law relating to appeals and for all other purposes connected with the exercise of such powers, be deemed to be a Tahsíldár or Deputy Commissioner, as the case may be.

Persons exercising such powers to be deemed to be Tahsíldárs or Deputy Commissioners.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 10, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st July 1875, and is hereby promulgated for general information:—

ACT No. XIV OF 1875.

An Act to amend the law relating to certain Courts and Offices in the Panjáb.

Whereas it is expedient to amend the law relating to certain Courts and Offices in the Panjáb; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Panjáb Judicial Administration Act, 1875:"

Short title.

It extends to all the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Local extent.

And it shall come into force on the passing thereof.

Commencement.

2. Section twenty of the Panjáb Courts Act, 1865, is repealed in so far as it relates to the powers of a Deputy Commissioner.

Repeal of Act XIX of 1865, s. 20.

3. All or any of the powers conferred by, or conferrible under, the said Act, or by or under any other enactment for the time being in force,

The Local Government may confer powers—

(*a*) on a Tahsíldár, or

of a Tahsíldár,

(*b*) on a Deputy Commissioner as such or as a principal Civil Court of original jurisdiction,

of a Deputy Commissioner.

may be conferred by the Local Government on any person they think fit.

4. Any person invested with powers under section three shall exercise such powers in such District or Districts, or in such portion of a District, as the Local Government may from time to time appoint in this behalf, and in such cases or classes of cases as the Deputy Commissioner of the District may from time to time, subject to any rules prescribed in this behalf by the Local Government, by general or special order direct.

Such powers where and in what cases to be exercised.

5. Any person exercising any of the said powers shall, for the purposes of the law relating to appeals and for all other purposes connected with the exercise of such powers, be deemed to be a Tahsíldár or Deputy Commissioner, as the case may be.

Persons exercising such powers to be deemed to be Tahsíldárs or Deputy Commissioners.

WHITLEY STOKES,

Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 17, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st July 1875, and is hereby promulgated for general information :—

ACT No. XIV OF 1875.

An Act to amend the law relating to certain Courts and Offices in the Panjáb.

Preamble. Whereas it is expedient to amend the law relating to certain Courts and Offices in the Panjáb; It is hereby enacted as follows :—

Short title. 1. This Act may be called "The Panjáb Judicial Administration Act, 1875 :"

Local extent. It extends to all the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Commencement. And it shall come into force on the passing thereof.

Repeal of Act XIX of 1865, s. 20. 2. Section twenty of the Panjáb Courts Act, 1865, is repealed in so far as it relates to the powers of a Deputy Commissioner.

The Local Government may confer powers— 3. All or any of the powers conferred by, or conferrible under, the said Act, or by or under any other enactment for the time being in force,

of a Tahsíldár, (*a*) on a Tahsíldár, or

of a Deputy Commissioner, (*b*) on a Deputy Commissioner as such or as a principal Civil Court of original jurisdiction,

may be conferred by the Local Government on any person they think fit.

Such powers where and in what cases to be exercised. 4. Any person invested with powers under section three shall exercise such powers in such District or Districts, or in such portion of a District, as the Local Government may from time to time appoint in this behalf, and in such cases or classes of cases as the Deputy Commissioner of the District may from time to time, subject to any rules prescribed in this behalf by the Local Government, by general or special order direct.

Persons exercising such powers to be deemed to be Tahsíldárs or Deputy Commissioners. 5. Any person exercising any of the said powers shall, for the purposes of the law relating to appeals and for all other purposes connected with the exercise of such powers, be deemed to be a Tahsíldár or Deputy Commissioner, as the case may be.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th July 1875, and is hereby promulgated for general information :—

Act No. XV of 1875.

An Act to amend the Panjáb Laws Act, 1872.

Whereas, in order to provide for the establishment of Rural Police and for the more efficient administration of law in the Panjáb, it is expedient to amend the Panjáb Laws Act, 1872; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Panjáb Laws Amendment Act, 1875:"

Short title.

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Local extent.

And it shall come into force at once.

Commencement.

2. The said Panjáb Laws Act, 1872, shall be read as if the following sections were inserted next after section thirty-nine thereof:—

Addition to Act IV of 1872.

"39 A. The Local Government may establish a system of village-watchmen in any part of the territories under its administration and not comprised within the limits of a municipality, and in furtherance of this object may from time to time make rules to provide for the following matters:—

Power to establish village-watchman system and to make rules.

(*a*) the definition of the limits of watchmen's beats;

(*b*) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat;

(*c*) the appointment, suspension, dismissal and resignation of watchmen of each grade;

(*d*) the equipment and discipline of, and the control and supervision over, such watchmen;

(*e*) the conferring upon them and the exercise by them of any powers and the enjoyment by them of any protection or privilege which may be exercised and enjoyed by a police officer under any Act for the time being in force;

(*f*) the performance by them of such duties relating to police, sanitation, or statistics, or for the benefit of the village-communities within their beat, as the Local Government thinks fit;

(*g*) the exercise of authority over, and the rendering of aid to, such watchmen, by the headmen of the villages comprised in their respective beats;

(*h*) the performance, by the headmen of the villages comprised in the beat, of any of the duties of a village-watchman in aid of or substitution for such watchman;

(*i*) the exercise, by such village-headmen, of any of the powers, and the enjoyment by them of any privilege or protection, of a village-watchman for the purposes referred to in clauses (*g*) and (*h*) of this section;

(*j*) the determination of the rate at which, and the mode in which, watchmen shall be paid, and of the mode in which their pay, the expenses of their equipment, and other charges connected with the village-watchman system shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in or resorting to such villages, or partly in one of these ways and partly in the other;

(*k*) the collection with or without the aid of the village-headmen, and by any process available for the realization of the land-revenue, of any tax imposed under clause (*j*) of this section, and the application of, and the mode of accounting for, the same;

(*l*) the efficient working of the village-watchman system generally.

"Provided—

1*st*, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed a power of nomination to be exercised in such manner and subject to such reasonable conditions as may be prescribed by such rules;

2*ndly*, that the rules to be made under clause (*j*) of this section shall include provisions for recording and securing due consideration of the views and opinions of the headmen of such beat on the matters therein referred to.

"39 B. Every person is bound to render to a village-watchman or village-headman discharging the duties of a police officer under the rules made hereunder, all the assistance which he is bound to render to a police officer.

Obligation to assist watchmen and headmen.

"Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a police officer or by any village-headman or watchman empowered in this behalf by the Local Government.

Person obstructing watchman or headman may be arrested without warrant.

"39 C. Whenever it seems to the Local Government expedient that the duties of watch and ward and other internal police service of any town or village not comprised within the limits of a municipality or within the limits of a village-watchman's beat as defined under the power conferred by section thirty-nine A, should be performed by police officers enrolled under Act V of 1861, the Local Government may direct that the said service shall be so performed, and may also, with the previous sanction of the Governor General in Council, direct that the charges for the time being

Power to direct local taxation for payment of police enrolled under Act V of 1861.

fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village.

"39 D. When the Local Government has, under section thirty-nine C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village explaining the nature of the taxes he proposes to levy.

Issue of notice of taxes proposed to be levied.

"Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner.

Objections to taxation.

"After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the Local Government a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal, and his opinion on such objections.

Procedure thereon.

"No such tax shall be levied until it has, upon such report, been approved by the Local Government.

"39 E. When any such tax has been so approved by the Local Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the Local Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to fix rates of tax.

"39 F. The Local Government may from time to time make rules to provide for the collection of such taxes by any process available for the realization of the land-revenue, and to regulate the application and mode of accounting for the same.

Power to make rules for collection of taxes.

"39 G. All taxes and collections which have been hitherto levied for the purposes of village and town police, or for the maintenance of village-watchmen, shall be deemed to have been levied in accordance with law."

Indemnity-clause.

3. Section fifty of the said Panjáb Laws Act is repealed, and in lieu thereof there shall be read the following:—

Substitution of new section for section 50.

"50. The Local Government may from time to time make rules as to the matters mentioned in sections forty-three to forty-nine inclusive.

Power to make rules as to matters mentioned in sections 43 to 49.

"All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder.

Existing rules.

"50 A. No rules hereafter made by the Local Government under any power conferred by this Act shall be valid unless—

Conditions of validity of rules hereafter made under this Act.

(*a*) they are consistent with the laws for the time being in force in the Panjáb;

(*b*) they are published in the official Gazette;

(*c*) previous to such publication they are sanctioned by the Governor General in Council.

"50 B. The Local Government may, in making any rule under any of the powers conferred by this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate not exceeding six months' imprisonment or three hundred rupees fine, or both."

Penalties for breach of such rules.

WHITLEY STOKES,

Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th July 1875, and is hereby promulgated for general information :—

Act No. XV of 1875.

An Act to amend the Panjáb Laws Act, 1872.

Preamble.

Whereas, in order to provide for the establishment of Rural Police and for the more efficient administration of law in the Panjáb, it is expedient to amend the Panjáb Laws Act, 1872; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Panjáb Laws Amendment Act, 1875:"

Local extent.

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Commencement.

And it shall come into force at once.

Addition to Act IV of 1872.

2. The said Panjáb Laws Act, 1872, shall be read as if the following sections were inserted next after section thirty-nine thereof :—

Power to establish village-watchman system and to make rules.

"39 A. The Local Government may establish a system of village-watchmen in any part of the territories under its administration and not comprised within the limits of a municipality, and in furtherance of this object may from time to time make rules to provide for the following matters :—

(*a*) the definition of the limits of watchmen's beats;

(*b*) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat;

(*c*) the appointment, suspension, dismissal and resignation of watchmen of each grade;

(*d*) the equipment and discipline of, and the control and supervision over, such watchmen;

(*e*) the conferring upon them and the exercise by them of any powers and the enjoyment by them of any protection or privilege which may be exercised and enjoyed by a police officer under any Act for the time being in force;

(*f*) the performance by them of such duties relating to police, sanitation, or statistics, or for the benefit of the village-communities within their beat, as the Local Government thinks fit;

(*g*) the exercise of authority over, and the rendering of aid to, such watchmen, by the headmen of the villages comprised in their respective beats;

(*h*) the performance, by the headmen of the villages comprised in the beat, of any of the duties of a village-watchman in aid of or substitution for such watchman;

(*i*) the exercise, by such village-headmen, of any of the powers, and the enjoyment by them of any privilege or protection, of a village-watchman for the purposes referred to in clauses (*g*) and (*h*) of this section;

(*j*) the determination of the rate at which, and the mode in which, watchmen shall be paid, and of the mode in which their pay, the expenses of their equipment,

and other charges connected with the village-watchman system shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in or resorting to such villages, or partly in one of these ways and partly in the other;

(*k*) the collection with or without the aid of the village-headmen, and by any process available for the realization of the land-revenue, of any tax imposed under clause (*j*) of this section, and the application of, and the mode of accounting for, the same;

(*l*) the efficient working of the village-watchman system generally.

"Provided—

1*st*, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed a power of nomination to be exercised in such manner and subject to such reasonable conditions as may be prescribed by such rules;

2*ndly*, that the rules to be made under clause (*j*) of this section shall include provisions for recording and securing due consideration of the views and opinions of the headmen of such beat on the matters therein referred to.

Obligation to assist watchmen and headmen.

"39 B. Every person is bound to render to a village-watchman or village-headman discharging the duties of a police officer under the rules made hereunder, all the assistance which he is bound to render to a police officer.

Person obstructing watchman or headman may be arrested without warrant.

"Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a police officer or by any village-headman or watchman empowered in this behalf by the Local Government.

Power to direct local taxation for payment of police enrolled under Act V of 1861.

"39 C. Whenever it seems to the Local Government expedient that the duties of watch and ward and other internal police service of any town or village not comprised within the limits of a municipality or within the limits of a village-watchman's beat as defined under the power conferred by section thirty-nine A, should be performed by police officers enrolled under Act V of 1861, the Local Government may direct that the said service shall be so performed, and may also, with the previous sanction of the Governor General in Council, direct that the charges for the time being fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village.

Issue of notice of taxes proposed to be levied.

"39 D. When the Local Government has, under section thirty-nine C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village explaining the nature of the taxes he proposes to levy.

Objections to taxation.

"Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner.

Procedure thereon.

"After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the Local Government a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal, and his opinion on such objections.

"No such tax shall be levied until it has, upon such report, been approved by the Local Government.

Power to fix rates of tax.

"39 E. When any such tax has been so approved by the Local Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the Local Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to make rules for collection of taxes.

"39 F. The Local Government may from time to time make rules to provide for the collection of such taxes by any process available for the realization of the land-revenue, and to regulate the application and mode of accounting for the same.

Indemnity-clause.

"39 G. All taxes and collections which have been hitherto levied for the purposes of village and town police, or for the maintenance of village-watchmen, shall be deemed to have been levied in accordance with law."

Substitution of new section for section 50.

3. Section fifty of the said Panjáb Laws Act is repealed, and in lieu thereof there shall be read the following:—

Power to make rules as to matters mentioned in sections 43 to 49.

"50. The Local Government may from time to time make rules as to the matters mentioned in sections forty-three to forty-nine inclusive.

Existing rules.

"All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder.

Conditions of validity of rules hereafter made under this Act.

"50 A. No rules hereafter made by the Local Government under any power conferred by this Act shall be valid unless—

(*a*) they are consistent with the laws for the time being in force in the Panjáb;

(*b*) they are published in the official Gazette;

(*c*) previous to such publication they are sanctioned by the Governor General in Council.

Penalties for breach of such rules.

"50 B. The Local Government may, in making any rule under any of the powers conferred by this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate not exceeding six months' imprisonment or three hundred rupees fine, or both."

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 31, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th July 1875, and is hereby promulgated for general information:—

Act No. XV of 1875.

An Act to amend the Panjáb Laws Act, 1872.

Preamble.

Whereas, in order to provide for the establishment of Rural Police and for the more efficient administration of law in the Panjáb, it is expedient to amend the Panjáb Laws Act, 1872; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Panjáb Laws Amendment Act, 1875:"

Local extent.

It extends to the territories for the time being under the government of the Lieutenant-Governor of the Panjáb;

Commencement.

And it shall come into force at once.

Addition to Act IV of 1872.

2. The said Panjáb Laws Act, 1872, shall be read as if the following sections were inserted next after section thirty-nine thereof:—

Power to establish village-watchman system and to make rules.

"39 A. The Local Government may establish a system of village-watchmen in any part of the territories under its administration and not comprised within the limits of a municipality, and in furtherance of this object may from time to time make rules to provide for the following matters:—

(*a*) the definition of the limits of watchmen's beats;

(*b*) the determination of the several grades of watchmen, and the number of each grade to be appointed to each beat;

(*c*) the appointment, suspension, dismissal and resignation of watchmen of each grade;

(*d*) the equipment and discipline of, and the control and supervision over, such watchmen;

(*e*) the conferring upon them and the exercise by them of any powers and the enjoyment by them of any protection or privilege which may be exercised and enjoyed by a police officer under any Act for the time being in force;

(*f*) the performance by them of such duties relating to police, sanitation, or statistics, or for the benefit of the village-communities within their beat, as the Local Government thinks fit;

(*g*) the exercise of authority over, and the rendering of aid to, such watchmen, by the headmen of the villages comprised in their respective beats;

(*h*) the performance, by the headmen of the villages comprised in the beat, of any of the duties of a village-watchman in aid of or substitution for such watchman;

(*i*) the exercise, by such village-headmen, of any of the powers, and the enjoyment by them of any privilege or protection, of a village-watchman for the purposes referred to in clauses (*g*) and (*h*) of this section;

(*j*) the determination of the rate at which, and the mode in which, watchmen shall be paid, and of the mode in which their pay, the expenses of their equipment,

and other charges connected with the village-watchman system shall be provided for, whether out of cesses or funds already leviable or available in the villages comprised in the beat, or by a special tax in money or kind to be imposed on any class of persons residing or owning property in or resorting to such villages, or partly in one of these ways and partly in the other;

(*k*) the collection with or without the aid of the village-headmen, and by any process available for the realization of the land-revenue, of any tax imposed under clause (*j*) of this section, and the application of, and the mode of accounting for, the same;

(*l*) the efficient working of the village-watchman system generally.

"Provided—

1*st*, that the rules to be made regarding the appointment of village-watchmen shall allow to the headmen of the villages comprised in the beat to which such a watchman is to be appointed a power of nomination to be exercised in such manner and subject to such reasonable conditions as may be prescribed by such rules;

2*ndly*, that the rules to be made under clause (*j*) of this section shall include provisions for recording and securing due consideration of the views and opinions of the headmen of such beat on the matters therein referred to.

Obligation to assist watchmen and headmen.

"39 B. Every person is bound to render to a village-watchman or village-headman discharging the duties of a police officer under the rules made hereunder, all the assistance which he is bound to render to a police officer.

Person obstructing watchman or headman may be arrested without warrant.

"Any person who obstructs such watchman or headman in the discharge of such duties may be arrested without warrant by a police officer or by any village-headman or watchman empowered in this behalf by the Local Government.

Power to direct local taxation for payment of police enrolled under Act V of 1861.

"39 C. Whenever it seems to the Local Government expedient that the duties of watch and ward and other internal police service of any town or village not comprised within the limits of a municipality or within the limits of a village-watchman's beat as defined under the power conferred by section thirty-nine A, should be performed by police officers enrolled under Act V of 1861, the Local Government may direct that the said service shall be so performed, and may also, with the previous sanction of the Governor General in Council, direct that the charges for the time being fixed by such Government on account of such service shall be defrayed by taxes to be levied in such town or village.

Issue of notice of taxes proposed to be levied.

"39 D. When the Local Government has, under section thirty-nine C, directed that taxes shall be levied in any town or village, the Deputy Commissioner may from time to time issue a public notice in such town or village explaining the nature of the taxes he proposes to levy.

Objections to taxation.

"Any inhabitant of such town or village objecting to the taxation thus proposed may, within fifteen days from the publication of such notice, send his objection in writing to the Deputy Commissioner.

Procedure thereon.

"After the expiry of fifteen days from the publication of the notice, the Deputy Commissioner may submit for the information of the Local Government a report of the proposal made by him. Such report shall contain specific mention of the objections (if any) urged to his proposal, and his opinion on such objections.

"No such tax shall be levied until it has, upon such report, been approved by the Local Government.

Power to fix rates of tax.

"39 E. When any such tax has been so approved by the Local Government, the Deputy Commissioner may from time to time, subject to such rules consistent with this Act as the Local Government may from time to time prescribe, determine the rates at which it is to be levied.

Power to make rules for collection of taxes.

"39 F. The Local Government may from time to time make rules to provide for the collection of such taxes by any process available for the realization of the land-revenue, and to regulate the application and mode of accounting for the same.

Indemnity-clause.

"39 G. All taxes and collections which have been hitherto levied for the purposes of village and town police, or for the maintenance of village-watchmen, shall be deemed to have been levied in accordance with law."

Substitution of new section for section 50.

3. Section fifty of the said Panjáb Laws Act is repealed, and in lieu thereof there shall be read the following:—

Power to make rules as to matters mentioned in sections 43 to 49.

"50. The Local Government may from time to time make rules as to the matters mentioned in sections forty-three to forty-nine inclusive.

Existing rules.

"All existing rules upon such matters, which might have been made under this section had it been in force, shall be deemed to have been made hereunder.

Conditions of validity of rules hereafter made under this Act.

"50 A. No rules hereafter made by the Local Government under any power conferred by this Act shall be valid unless—

(*a*) they are consistent with the laws for the time being in force in the Panjáb;

(*b*) they are published in the official Gazette;

(*c*) previous to such publication they are sanctioned by the Governor General in Council.

Penalties for breach of such rules.

"50 B. The Local Government may, in making any rule under any of the powers conferred by this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment on conviction before a Magistrate not exceeding six months' imprisonment or three hundred rupees fine, or both."

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 7, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th *August* 1875, *and is hereby promulgated for general information*:—

ACT No. XVI OF 1875.

THE INDIAN TARIFF ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Commencement.
   Local Extent.
2. Repeal of Acts and Notifications.
3. Saving clause.
4. Duties specified in Schedules to be levied.
5. Goods partially composed of dutiable articles.
6. Power to fix value of dutiable goods and to exempt from customs duties.
7. Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.
8. Export of pepper from Cochin.
9. Export of opium.
10. Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.
11. Excise duty on spirit distilled in British India.
12. Amendment of Consolidated Customs Act, sections 27, 57, 66 and 180.

SCHEDULE A.—IMPORT TARIFF.

SCHEDULE B.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties and for other purposes.

Preamble.

Whereas it is expedient to amend the law relating to the duties of Customs on goods imported and exported by sea, and to restrict the export of opium, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and for fixing a maximum duty of excise on spirit manufactured in British India, and to amend the Consolidated Customs Act; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Tariff Act, 1875:"

Commencement.

And it shall come into force on the passing thereof.

Local extent.

This section and section twelve, clause three, apply to the whole of British India.

The rest of this Act extends to the whole of British India except Aden.

Repeal of Acts and Notifications.

2. Act No. XVIII of 1870 (*to enable the Government of India to exempt goods from Customs duties*), Act No. XIII of 1871 (*to consolidate and amend the law relating to Customs duties*) and all notifications under either of the said Acts are hereby repealed.

Saving clause.

3. Nothing herein contained affects Act No. VI of 1873 (*to amend the law relating to the Transhipment of Goods imported by Steamer, and for other purposes*), or authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, salted fish, opium and spirit.

Duties specified in Schedules to be levied.

4. There shall be levied and collected, in every port to which this Act applies, the duties specified in Schedules A and B hereto annexed.

5. Goods not prohibited to be imported into or used in British India, whereof any article liable to duty under this Act forms a part or ingredient, shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article, or, if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

Goods partially composed of dutiable articles.

6. The Governor General in Council may, from time to time, by notification in the *Gazette of India*,

Power to fix value of dutiable goods and to exempt from customs duties.

(*a*) fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed;

(*b*) exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under this Act or any other law for the time being in force; and

(*c*) cancel any such exemption.

7. The Local Government may from time to time prescribe rules for ascertaining and determining what spirit imported into British India shall be deemed to have been effectually and permanently rendered unfit for human consumption, so as to be subject only to an *ad valorem* duty of ten per cent. under Schedule A hereto annexed, and for causing such spirit to be so rendered, if necessary, by their own officers, before the duty of customs leviable thereon is levied, and at the expense of the person importing it.

Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.

Such rules, on being published in the official *Gazette*, shall have the force of law; and whoever wilfully contravenes any such rule shall be liable to fine not exceeding five hundred rupees.

In the absence of any such rules, or if any dispute arises as to their applicability, the executive officer of highest rank in the department of customs in the port shall decide what spirit is subject only to the said *ad valorem* duty, and such decision shall be final.

8. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandí as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

Export of pepper from Cochin.

9. No opium shall be exported from any part of British India, unless—

Export of opium.

(*a*) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or the Local Government; or

(*b*) it is exported under the said Act No. VI of 1873, section seven; or

(*c*) such export is permitted under the power next hereinafter conferred:

The Governor General in Council may, from time to time, by notification in the *Gazette of India*,

(*d*) permit the export of opium from any part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(*e*) cancel such permission.

10. Duties of customs shall be levied on goods passing by land into or out of Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George or the Presidency of Bombay at the rates prescribed in the Schedules A and B hereto annexed.

Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.

11. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs duty on spirit imported into British India, it is hereby further enacted as follows:—

Excise duty on spirit distilled in British India.

Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the official *Gazette*, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by Schedule A hereto annexed;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

12. And whereas it is expedient to amend the Consolidated Customs Act in manner hereinafter appearing, it is hereby further enacted as follows:—

Amendment of Consolidated Customs Act, sections 27, 57, 66 and 180.

Section twenty-seven of the Consolidated Customs Act shall be construed, as if, for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words and figures were substituted (namely) "for which a specific value is not fixed by or under the Indian Tariff Act, 1875;"

And the following proviso shall be added to section fifty-seven of the same Act, (namely), "Provided also that where such goods are arms, ammunition, or military stores, they may be sold or otherwise disposed of at such place (whether within or without British India) and in such manner as the Local Government may from time to time direct;"

And section sixty-six of the same Act shall be construed as if for the words and figures "the value of which shall have been fixed under the provisions of section CLXXIX of this Act," the following words and figures were substituted (namely) "for which a specific value has been fixed by or under the Indian Tariff Act, 1875;"

And section one hundred and eighty of the same Act shall be construed as if for the words "last preceding section" the following words and figures were substituted (namely) "Indian Tariff Act, 1875."

Schedule A.

IMPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
1	APPAREL, INCLUDING HABERDASHERY AND MILLINERY, BUT EXCLUDING BOOTS, SHOES AND HOSIERY ...	...	*Ad valorem*	5 per cent.
2	ARMS, AMMUNITION AND MILITARY STORES—			
	Fire-arms, and parts thereof ...	...	"	10 per cent.
	Gunpowder, common ...	lb.	0 5	
	" sporting ...	"	1 0	
	All other sorts ...	...	*Ad valorem*	
3	BRUSHES, ALL SORTS	...	"	
4	BUILDING AND ENGINEERING MATERIALS—			
	Asphalt	...	"	
	Cements, all sorts	...	"	
	Earthen-ware piping	...	"	
5	CABINET-WARE AND FURNITURE ...	...	"	
6	CANDLES—			
	Paraffine	lb.	0 5	
	Spermaceti	"	0 8	
	Wax	"	1 0	
	All other sorts, including composition	"	0 5	
7	CANES, RATANS, ARTICLES MADE OF CANE OR RATAN, AND BASKET-WORK—			
	Canes, Malacca	Doz.	1 0	5 per cent.
	Ratans	Cwt.	7 0	
	All other sorts, except common bamboos, which are free ...	...	*Ad valorem*	
8	CARRIAGES AND COMPONENT PARTS THEREOF, EXCEPT RAILWAY CARRIAGES AND TRUCKS	...	"	
9	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	lb.	0 2	
	Alkali, country (sajji khár) ...	Cwt.	2 0	
	Alum	"	4 0	
	Arsenic	"	25 0	
	" China mansil ...	"	16 0	
	Brimstone, flour	"	7 0	
	" roll	"	6 0	
	" rough	"	4 8	
	Copperas, green	"	3 0	
	Sal ammoniac	"	25 0	
	All other sorts	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
10	CHINESE AND JAPANESE-WARE, INCLUDING LACQUERED-WARE, BUT EXCLUDING EARTHEN-WARE, CHINA AND PORCELAIN ...	...	*Ad valorem*	
11	CLOCKS, WATCHES AND OTHER TIME-KEEPERS	...	,,	
12	COIR AND ARTICLES MADE OF COIR—			
	Matting	...	,,	
	Yarn of all kinds	Cwt.	9 0	
	Other articles made of coir, except cables and rope	...	*Ad valorem*	
13	CORAL, REAL	...	,,	
14	CORDAGE AND ROPE MADE OF ANY VEGETABLE FIBRE EXCEPT COTTON AND JUTE—			
	Coir cables, tarred	Cwt.	10 0	
	Coir rope	,,	10 0	
	Cordage, hemp, European ...	,,	20 0	
	,, Manilla	,,	25 0	
	Twine, European, Sail ...	lb.	0 8	
	All other sorts	...	*Ad valorem*	
15	CORK AND ARTICLES MADE OF CORK—			
	Bottle-corks	Gross	1 8	
	Vial-corks	,,	0 8	
	All other sorts	...	*Ad valorem*	5 per cent.
16	COTTON AND ARTICLES MADE OF COTTON—			
	Cotton hosiery	...	,,	
	Cotton, Raw, not the produce of Continental Asia or Ceylon	...	,,	
	Cotton rope	Cwt.	25 0	
	Country canvas	,,	50 0	
	Piece Goods—			
	Grey—			
	Jaconets, exceeding 10 × 10 to the quarter-inch	lb	0 12	
	Jaconets, other sorts ...	,,	0 10½	
	Mulls	,,	1 1	
	Printers	,,	0 10½	
	Shirtings and longcloths ...	,,	0 9	
	T cloths 18 reed and upwards, and madapollams	,,	0 9½	
	T cloths under 18 reed, jeans, domestics, sheetings and drills ...	,,	0 8	
	Other sorts	...	*Ad valorem*	
	Sewing thread—			
	Goa and Country	Cwt.	30 0	
	On reels or cards containing 100 yards each, and *pro rata* above and below*	Gross	3 0	
	White and coloured	lb.	1 0	

* Duty to be charged either on the mark or on the actual length.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	COTTON AND ARTICLES MADE OF COTTON, —*contd.*			
	Twist—			
	Mule—No. 15 and lower Nos. ...	lb.	0 5	
	Nos. 16 to 24 ...	,,	0 7	
	,, 25 to 32 ...	,,	0 8	
	,, 33 to 42 ...	,,	0 9½	
	,, 43 to 52 ...	,,	0 11	
	,, 53 to 60 ...	,,	0 12½	
	,, 61 to 70 ...	,,	0 14	
	,, 71 to 80 ...	,,	0 15	
	And so on, one anna to be added to the valuation per lb. for every count of ten, or part of a count of ten, above 80.			3½ per cent
	Water—No. 20 and lower Nos. ...	,,	0 8	
	Nos. 21 to 30 ...	,,	0 9½	
	,, 31 to 40 ...	,,	0 11½	
	,, 41 to 50 ...	,,	0 13	
	Above 50 ...	,,	1 0	
	Twist, Orange, Red, and other colours except Turkey Red* ...	,,	0 13	
	Twist, Turkey Red, all kinds* ...	,,	1 6	
	Cotton goods, all other sorts ...	...	*Ad valorem*	
17	DRUGS AND MEDICINES, EXCEPT OPIUM—			
	Aloes, black	Cwt.	11 0	
	,, Socotra	,,	25 0	
	Assafœtida (hing)	,,	55 0	
	,, coarse (hingrá) ...	,,	10 0	
	Camphor, Bhemsaini (baras) ...	lb.	80 0	
	,, refined, cake ...	Cwt.	65 0	
	,, crude, in powder ...	,,	40 0	
	Cassia lignea	,,	38 0	
	Salep	,,	80 0	
	Senna leaves	,,	5 0	
	All other sorts, except quinine which is free	...	*Ad valorem*	
18	DYEING AND COLOURING MATERIALS—			
	Aniline dyes—Magenta and Roscine	oz.	0 4	5 per cent.
	Cochineal	lb.	1 4	
	Gallnuts, country, Myrabolam ...	Cwt.	4 0	
	,, Persian	,,	25 0	
	Madder or manjith	,,	12 0	
	Orchilla weed	,,	5 0	
	Sapan wood and root	,,	5 0	
	All other sorts	...	*Ad valorem*	
19	EARTHEN-WARE (EXCEPT EARTHEN-WARE PIPING), CHINA, CHINA CLAY AND PORCELAIN	...	,,	
20	FIREWORKS—			
	China	Box of 133⅓ lbs.	30 0	
	All other sorts	...	*Ad valorem*	
21	FLAX AND ARTICLES MADE OF FLAX—			
	Canvas, European sail, not exceeding 40 yards	Bolt	15 0	
	Piece goods	...	*Ad valorem*	
	All other sorts, including linen thread	...	,,	

* Duty to be charged on the grey weight of the coloured yarn; when this is not ascertainable, the actual wharf weight, or invoice weight, to be taken.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
22	FRUITS AND VEGETABLES—			
	Almonds without shell ...	Cwt.	30 0	
	„ in the shell ...	„	11 0	
	Cajoo kernels ...	„	10 0	
	Cocoanuts	Thousand	30 0	
	„ kernel (khopra) ...	Cwt.	8 8	
	Currants, European	„	35 0	
	„ Persian	„	12 0	
	Dates, dry, in bags	„	4 8	
	„ wet, in bags	„	3 8	
	„ „ in pots	„	7 0	
	Figs, European	„	42 0	
	„ Persian, dried	„	6 8	
	Garlic	„	5 0	
	Pistachio nuts	„	20 0	
	Prunes, Bussorah	„	16 0	
	Raisins, black, Persian Gulf, Red Sea, and Kishmish	„	16 0	
	„ Munakka, Persian Gulf, and Red Sea	„	7 0	
	„ Malaga and bloom ...	lb	0 10	
	„ other sorts	...	*Ad valorem*	
	Walnuts	Cwt.	5 8	
	All other sorts, except Bed-mushk, Bajarbattu nuts, and fresh fruits and vegetables not separately enumerated, which are free ...	...	*Ad valorem*	
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS AND FALSE CORALS—			
	Bangles, Glass, China, gilt ...	100 pairs	6 0	
	„ „ „ not gilt ...	„	3 0	
	Beads, China	Cwt.	30 0	5 per cent.
	Coral, false	...	*Ad valorem*	
	Glass, China, of all colours ...	133⅓ lbs.	32 0	
	„ Crown, colored	100 Supl. feet	25 0	
	„ „ of sizes	„	7 0	
	Pearls, false—			
	Bájria	Lakh	5 0	
	Boria	Thousand	1 4	
	Jouria	Lakh	8 0	
	Nathia	Thousand	0 6	
	Tachea	„	1 0	
	Wattanah	Lakh	10 0	
	All other sorts of beads, false pearls and glass, except bottles used to bottle beer, wine, spirit, or aerated waters, which are free ...	...	*Ad valorem*	
24	GUMS, GUM RESINS, AND ARTICLES MADE OF GUM OR GUM RESIN—			
	Copal	Cwt.	65 0	
	Cutch and Gambier	„	10 0	
	Gum Ammoniac	„	12 0	
	„ Arabic	„	15 0	
	„ Bdellium, (common gum) ...	„	5 0	
	„ Benjamin	„	40 0	
	„ Bysabol (coarse myrrh) ...	„	12 0	
	„ Olibanum or frankincense ...	„	12 0	
	Kino	„	10 0	
	Myrrh	„	30 0	
	„ Persian (false)	„	3 0	
	Rosin	„	5 0	
	All other sorts	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
25	HARDWARE AND CUTLERY, INCLUDING IRONMONGERY AND PLATED-WARE, BUT EXCLUDING MACHINERY AND THE COMPONENT PARTS THEREOF, WHICH ARE FREE, AND AGRICULTURAL IMPLEMENTS, WHICH ALSO ARE FREE	...	*Ad valorem*	
26	HEMP AND ARTICLES MADE OF HEMP—			
	Piece goods	...	„	
	All other sorts except rope ...	...	„	
27	HIDES AND SKINS, EXCEPT RAW OR SALTED HIDES OR SKINS, WHICH ARE FREE—			
	Hides—			
	Border	Each	30 0	
	Buffalo	Score	80 0	
	Cow	„	60 0	
	Skins—			
	Calf	Doz.	45 0	
	Chamois	„	6 0	
	Goat	Score	16 0	
	Lamb	„	6 0	
	Roan	Doz.	30 0	
	Sheep	Score	11 0	
	All other sorts	...	*Ad valorem*	5 per cent.
28	INSTRUMENTS AND APPARATUS—			
	Musical	...	„	
	Drawing, Measuring, Optical, Photographic (including materials for photography), Surveying, and Surgical (including surgical appliances)	...	„	
29	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders ...	Cwt.	125 0	
	Elephants' tusks each exceeding 20 lbs. in weight	„	450 0	
	Elephants' tusks not less than 10 lbs. and not exceeding 20 lbs. each ...	„	325 0	
	Elephants' tusks each less than 10 lbs.	„	175 0	
	Sea-cow or moye teeth, each not less than 3 lbs.	„	175 0	
	Sea-cow or moye teeth, each less than 3 lbs.	„	60 0	
	Articles made of ivory ...	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
30	JEWELLERY, INCLUDING PLATE—		Rs. A.	
	Silver-ware, Plain } Other than European	Tolah	1 2	5 per cent.
	„ Embossed or chased. } Other than European	„	1 8	
	All other sorts, except precious stones and pearls, which are free ...	...	*Ad valorem*	
31	LEATHER, AND ARTICLES MADE OF LEATHER, INCLUDING BOOTS, SHOES, HARNESS AND SADDLERY, BUT EXCLUDING BELTING FOR DRIVING MACHINERY, WHICH IS FREE	...	„	
32	LIQUORS—			
	Ale, beer and porter	Impl. Gallon or six quart bottles ...	...	One anna.
	Cider, and other fermented liquors	„	...	Rs. 4.
	Liqueurs			
	Spirit, for use exclusively in arts or manufactures or in chemistry, which has been rendered effectually and permanently unfit for human consumption ...	...	*Ad valorem*	10 per cent.
	Spirit, other sorts ...	Impl. Gallon or six quart bottles of the strength of London proof ...	...	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Wines—			
	Champagne and all other sparkling wines	Impl. Gallon or six quart bottles ...	...	Rs. 2-8.
	Claret, and Still Burgundy ...	„	...	Re. 1.
	All other sorts of still wines ...	„	...	Re. 1-8.
33	MATCHES, LUCIFER, AND ALL OTHER SORTS	...	*Ad valorem*	
34	MATS—			
	Floor-matting, China and Singapore, of all sorts	Hundred	70 0	
	All other sorts except coir matting ...	...	*Ad valorem*	
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS—			
	Brass—			
	Beads, Ghúngrí, China ...	Thousand	0 14	
	Old	Cwt.	35 0	
	Sheets, rolls, very thin ...	„	90 0	
	Wire	lb.	0 8	
	All other sorts	...	*Ad valorem*	
	Copper—			
	Australian cake	Cwt.	50 0	
	Bolt	„	50 0	
	Brazier's	„	52 0	
	China cash	„	30 0	
	Japan	„	48 0	
	Nails and composition nails ...	„	48 0	
	Old	„	48 0	
	Pigs and slabs, foreign ...	„	46 0	
	Sheet, sheathing, and plate ...	„	52 0	
	Tiles, ingots, cakes, and bricks ...	„	48 0	
	Other sorts, unmanufactured ...	...	*Ad valorem*	
	China white copper-ware ...	lb.	1 2	
	Foil or dakpana	100 leaves	3 0	
	Wire	lb.	0 10	
	All other sorts	...	*Ad valorem*	
	Gold Leaf, European	100 leaves	3 0	
	„ Mock	20 books	5 0	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
	METALS, &c.—*contd.*		Rs. A.	
	Iron—			
	Anchors and cables	...	*Ad valorem*	5 per cent.
	Angle and T iron	...	„	
	Beams, pillars, girders, bridge-work, and other descriptions of iron, imported exclusively for building purposes ...	...	„	
	Flat, square and bolt, including Scotch	Ton	100 0	
	Galvanised	Cwt.	11 0	
	„ Sheets and ridging ...	„	„	
	Hoop, plate and sheet ...	Ton	135 0	
	Nails, rose, clasp, and flat-headed, rivets and washers ...	Cwt.	12 8	1 per cent.
	Nails other sorts, including galvanised ...	...	*Ad valorem*	
	Nail rod	Ton	120 0	
	Old	Cwt.	2 0	
	Pig	Ton	55 0	
	Pipes and tubes	...	*Ad valorem*	
	Rice bowls	Set of ten	4 0	
	„	„ six	2 0	
	Rod, round, British, not exceeding half-inch diameter ...	Ton	130 0	
	„ exceeding half-inch diameter	„	100 0	
	Swedish, flat and square ...	„	160 0	
	Tinned plates	Cwt.	15 0	
	All other sorts, including wire, but excluding railway materials, and kentledge, which last-named article is free	...	*Ad valorem*	
	Lametta, double reels	Score	4 8	
	„ single „	„	2 4	
	Lead—			
	Ore, Galena	Cwt.	13 0	
	Pig	„	11 0	
	Pipes	...	*Ad valorem*	
	Sheets, tea	Cwt.	20 0	
	„ other sorts	„	12 0	
	Orsidue and brass leaves, foreign; European	lb.	1 2	
	„ „ „ China ...	„	0 14	
	Patent or Yellow Metals, sheathing, sheets, and bolts	Cwt.	42 0	
	Ditto ditto old	„	37 0	
	Quicksilver	lb.	2 8	
	Shot, bird	Cwt.	16 0	
	Steel excluding railway materials—			5 per cent.
	Blistered	„	9 0	
	British and foreign other than Swedish	„	9 0	
	Cast	„	25 0	
	Spring	„	10 0	
	Swedish	„	10 0	
	Tin, Block	„	50 0	
	„ other sorts	...	*Ad valorem*	
	Zinc or Spelter—			
	Nails	Cwt.	14 0	
	Plate and other shapes, soft ...	„	15 0	
	„ „ „ hard ...	„	11 0	
	Sheet or zinc sheathing ...	„	17 0	
	All other sorts	...	*Ad valorem*	
36	MILITARY AND OTHER UNIFORMS AND ACCOUTREMENTS &C., EXCEPT UNIFORMS AND ACCOUTREMENTS IMPORTED BY A PUBLIC SERVANT FOR HIS PERSONAL USE, WHICH ARE FREE	... ...	„	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
37	NAVAL STORES NOT OTHERWISE DESCRIBED, EXCEPT OAKUM, WHICH IS FREE ...	...	*Ad valorem*	
38	OILS—			
	Cassia	lb.	3 0	
	Cocoanut	Cwt.	15 0	
	Grass	lb.	1 12	
	Jinjilí or til	Cwt.	15 0	
	Kerosine, paraffine, petroleum, rock and shale oils of all descriptions	Impl. Gallon	0 12	
	Linseed, European	,,	2 0	
	Naphtha	Cwt.	30 0	5 per cent.
	Otto of sorts	oz.	10 0	
	Sandalwood	lb.	8 0	
	Turpentine	Impl. Gallon	1 10	
	Whale (except spermaceti) and fish	Cwt.	15 0	
	Wood	,,	15 0	
	All other sorts, except cocum and slush fat, which are free ...	...	*Ad valorem*	
39	OIL AND FLOOR CLOTH	...	,,	
40	OPIUM NOT COVERED BY A GOVERNMENT PASS	Seer of 80 tolahs	...	Rs. 24.
41	PAINTS, COLOURS, PAINTERS' MATERIALS, AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—			
	Ochre other than European, all colours	Cwt.	1 8	
	Paints of sorts	,,	12 0	
	,, Composition	,,	25 0	
	,, Patent driers	,,	14 0	
	Prussian blue, China	lb.	0 8	
	,, ,, European ...	,,	1 8	
	Red lead	Cwt.	14 0	
	Turpentine	Impl. Gallon	1 10	
	Verdigris	Cwt.	75 0	5 per cent.
	Vermilion, Canton	Box of 90 bundles	150 0	
	White lead	Cwt.	12 0	
	All other sorts	...	*Ad valorem*	
42	PAPER—			
	Wall paper	...	,,	
43	PERFUMERY—			
	Atary, Persian	Cwt.	15 0	
	Perfumed spirit in wood, or in bottles containing more than half a pint...	Impl. Gallon	...	Rs. 4.
	Rose-flowers, dried	Cwt.	13 0	
	Rose-water	Impl. Gallon	1 12	
	All other sorts, including perfumed spirit in bottles containing not more than half a pint ...	...	*Ad valorem*	
44	PIECE GOODS, NOT OTHERWISE DESCRIBED	...	,,	
45	PIPES AND OTHER IMPLEMENTS USED IN THE CONSUMPTION OF TOBACCO ...	...	,,	5 per cent.
46	PITCH, TAR, AND DAMMER—			
	Bitumen	...	,,	
	Dammer	Cwt.	5 0	
	Pitch, American and European ...	,,	6 0	
	,, Coal	,,	2 8	
	Tar, American and European ...	,,	6 0	
	,, Coal	,,	2 8	
	,, Mineral	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
47	PROVISIONS AND OILMAN'S STORES—			
	Bacon in canisters, jowls and cheeks	lb.	0 9	
	Beef and pork ...	Tierce of three cwt.	60 0	
		Barrel of two ,,	40 0	
	Cheese	lb.	0 10	
	China preserves	Box of six jars	8 0	5 per cent.
	Flour	Barrel or sack of 200 lbs.	15 0	
	Ghee	Cwt.	36 0	
	Groceries not otherwise described ...	...	*Ad valorem*	
	Pork hams	lb.	0 10	
	Salted fish*	Cwt.	...	12 annas.*
	Tongues, salted	Keg of six	10 0	
	Vinegar, European, in wood ...	Impl. Gallon	1 8	
	,, Persian	,,	0 12	
	,, Country	,,	0 6	5 per cent.
	All other sorts, except bêche-de-mer, fishmaws, shark-fins, singally and sozille, which are free ...	...	*Ad valorem*	
48	RAILWAY MATERIALS—			
	Of iron	...	,,	1 per cent.
	Steel rails and other articles made of steel intended for the permanent-way of railways ...	...	,,	
	All other sorts, including carriages and trucks	...	,,	5 per cent.
49	SALT—			
	Imported into British Burma ...	Indian maund of 3,200 tolahs.	...	3 annas.
	,, into Bengal ...	,,	...	Rs. 3-4.
	,, into any other part of British India	,,	...	,, 1-13.
50	SEEDS—			
	Castor	Cwt.	4 8	
	Cummin	,,	13 0	
	,, black	,,	4 8	
	Linseed	,,	5 8	
	Methi	,,	4 0	
	Mustard, rape, or sarson ...	,,	4 8	
	Quince seed or bihi-dana ...	,,	30 0	
	Sozírá	,,	20 0	
	All other sorts, except seeds imported by any Public Society for gratuitous distribution, which are free	...	*Ad valorem*	5 per cent.
51	SHELLS AND COWRIES—			
	Chanks—			
	Large shells, for cameos ...	Hundred	10 0	
	White, live	,,	6 0	
	,, dead	,,	3 0	
	Cowras—			
	From Mozambique and Zanzibar ...	,,	3 0	
	From other places	,,	0 8	

* Duty to be levied only on salted fish imported into the Bombay Presidency except Sindh, and into such other parts of British India as the Governor General in Council may, by notification in the *Gazette of India*, from time to time, direct.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	SHELLS AND COWRIES—*contd.*			
	Cowries—			
	Bazar, common	Cwt.	2 8	
	Maldive	,,	10 0	
	Sankhli	,,	50 0	
	Yellow, superior quality ...	,,	5 0	
	Mother-of-pearl	,,	30 0	
	Tortoise-shell	lb.	6 0	
	,, nakh	,,	1 0	
	All other sorts, including nakhla ...	...	*Ad valorem*	
52	SILK AND ARTICLES MADE OF SILK—			
	Floss	lb.	8 0	
	Piece goods	...	*Ad valorem*	
	Raw Silk—			
	Chaháram and Cochin China ...	lb.	4 0	
	Mathow	,,	1 12	
	Other kinds of China ...	,,	7 0	
	Panjam and Kachra... ...	,,	1 4	
	Persian	,,	5 0	
	Siam	,,	2 8	
	Sewing thread, China	,,	8 0	
	All other sorts	...	*Ad valorem*	
53	SOAP	...	,,	
54	SPICES—			
	Aniseed star	Cwt.	35 0	
	Betelnuts—			
	Goa	,,	12 0	5 per cent.
	In the husk	Thousand	2 0	
	White, Srivarddhan... ...	Cwt.	18 0	
	All other sorts	,,	5 0	
	Chillies, dried	,,	8 0	
	Cloves	,,	40 0	
	,, in seeds, Narlavang ...	,,	16 0	
	Mace	lb.	1 2	
	Nutmegs	,,	1 0	
	,, in shell	,,	0 8	
	Pepper, black and long ...	Cwt.	25 0	
	,, white	,,	32 0	
	All other sorts	...	*Ad valorem*	
55	STATIONERY (EXCEPT PAPER, WHICH IS FREE)	...	,,	
56	SUGAR—			
	China, candy	Cwt.	20 0	
	Loaf	,,	23 0	
	Soft	,,	13 8	
	All other sorts of saccharine produce	...	*Ad valorem*	
57	TEA—			
	Black	lb.	0 12	
	Green	,,	1 4	
58	TOBACCO—			
	Manufactured	...	*Ad valorem*	
	Unmanufactured	...	,,	

IMPORT TARIFF—*concluded.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
59	TOILET REQUISITES, NOT OTHERWISE DESCRIBED	...	*Ad valorem*	
60	TOYS AND REQUISITES FOR ALL GAMES	...	,,	
61	UMBRELLAS—			
	China paper kettisals	Box of 110	30 0	
	Cotton, steel-ribbed	Each	0 13	
	,, cane-ribbed	,,	0 12	5 per cent.
	,, oiled, other than European...	,,	0 10	
	All other sorts	...	*Ad valorem*	
62	WOOLLEN GOODS—			
	Braid	...	,,	
	Hosiery	...	,,	
	Piece goods	...	,,	
	All other sorts	...	,,	

Schedule B.

EXPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
1	DYEING AND COLOURING MATERIALS—			
	Indigo—			
	Leaves, green or dry	Ton	...	Rs. 3.
	Manufactured	Indian maund of 3,200 tolahs.	...	
2	GRAIN AND PULSE—			
	Rice in the husk (paddy) ...	,,	...	3 annas.
	,, not in the husk	,,	...	
3	LAC—			
	Button	Cwt.	65 0	
	Seed	,,	45 0	
	Shell	,,	80 0	
	Stick	,,	35 0	4 per cent.
	All other sorts, except laç-dye, which is free	...	*Ad valorem*	

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

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SIMLA, SATURDAY, AUGUST 14, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th August 1875, and is hereby promulgated for general information :—

ACT No. XVI OF 1875.

THE INDIAN TARIFF ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Commencement.
   Local Extent.
2. Repeal of Acts and Notifications.
3. Saving clause.
4. Duties specified in Schedules to be levied.
5. Goods partially composed of dutiable articles.
6. Power to fix value of dutiable goods and to exempt from customs duties.
7. Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.
8. Export of pepper from Cochin.
9. Export of opium.
10. Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.
11. Excise duty on spirit distilled in British India.
12. Amendment of Consolidated Customs Act, sections 27, 57, 66 and 180.

SCHEDULE A.—IMPORT TARIFF.

SCHEDULE B.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties and for other purposes.

Preamble.

Whereas it is expedient to amend the law relating to the duties of Customs on goods imported and exported by sea, and to restrict the export of opium, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India and for fixing a maximum duty of excise on spirit manufactured in British India, and to amend the Consolidated Customs Act; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Indian Tariff Act, 1875:"

Commencement.

And it shall come into force on the passing thereof.

Local extent.

This section and section twelve, clause three, apply to the whole of British India.

The rest of this Act extends to the whole of British India except Aden.

Repeal of Acts and Notifications.

2. Act No. XVIII of 1870 (*to enable the Government of India to exempt goods from Customs duties*), Act No. XIII of 1871 (*to consolidate and amend the law relating to Customs duties*) and all notifications under either of the said Acts are hereby repealed.

Saving clause.

3. Nothing herein contained affects Act No. VI of 1873 (*to amend the law relating to the Transhipment of Goods imported by Steamer, and for other purposes*), or authorizes the levy of duties of customs on any article carried from one port in British India to another, except salt, salted fish, opium and spirit.

Duties specified in Schedules to be levied.

4. There shall be levied and collected, in every port to which this Act applies, the duties specified in Schedules A and B hereto annexed.

5. Goods not prohibited to be imported into or used in British India, whereof any article liable to duty under this Act forms a part or ingredient, shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article, or, if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

Goods partially composed of dutiable articles.

6. The Governor General in Council may, from time to time, by notification in the *Gazette of India*,

Power to fix value of dutiable goods and to exempt from customs duties.

(*a*) fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed;

(*b*) exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under this Act or any other law for the time being in force; and

(*c*) cancel any such exemption.

7. The Local Government may from time to time prescribe rules for ascertaining and determining what spirit imported into British India shall be deemed to have been effectually and permanently rendered unfit for human consumption, so as to be subject only to an *ad valorem* duty of ten per cent. under Schedule A hereto annexed, and for causing such spirit to be so rendered, if necessary, by their own officers, before the duty of customs leviable thereon is levied, and at the expense of the person importing it.

Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.

Such rules, on being published in the official *Gazette*, shall have the force of law; and whoever wilfully contravenes any such rule shall be liable to fine not exceeding five hundred rupees.

In the absence of any such rules, or if any dispute arises as to their applicability, the executive officer of highest rank in the department of customs in the port shall decide what spirit is subject only to the said *ad valorem* duty, and such decision shall be final.

8. On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandí as the Governor of Fort Saint George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort Saint George in Council from time to time directs.

Export of pepper from Cochin.

9. No opium shall be exported from any part of British India, unless—

Export of opium.

(*a*) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or the Local Government; or

(*b*) it is exported under the said Act No. VI of 1873, section seven; or

(*c*) such export is permitted under the power next hereinafter conferred:

The Governor General in Council may, from time to time, by notification in the *Gazette of India*,

(*d*) permit the export of opium from any part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(*e*) cancel such permission.

10. Duties of customs shall be levied on goods passing by land into or out of Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George or the Presidency of Bombay at the rates prescribed in the Schedules A and B hereto annexed.

Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay.

11. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs duty on spirit imported into British India, it is hereby further enacted as follows:—

Excise duty on spirit distilled in British India.

Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the official *Gazette*, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by Schedule A hereto annexed;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

12. And whereas it is expedient to amend the Consolidated Customs Act in manner hereinafter appearing, it is hereby further enacted as follows:—

Amendment of Consolidated Customs Act, sections 27, 57, 60 and 180.

Section twenty-seven of the Consolidated Customs Act shall be construed, as if, for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words and figures were substituted (namely) "for which a specific value is not fixed by or under the Indian Tariff Act, 1875;"

And the following proviso shall be added to section fifty-seven of the same Act, (namely), "Provided also that where such goods are arms, ammunition, or military stores, they may be sold or otherwise disposed of at such place (whether within or without British India) and in such manner as the Local Government may from time to time direct;"

And section sixty-six of the same Act shall be construed as if for the words and figures "the value of which shall have been fixed under the provisions of section CLXXIX of this Act," the following words and figures were substituted (namely) "for which a specific value has been fixed by or under the Indian Tariff Act, 1875;"

And section one hundred and eighty of the same Act shall be construed as if for the words "last preceding section" the following words and figures were substituted (namely) "Indian Tariff Act, 1875."

Schedule A.

IMPORT TARIFF.

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.
			Rs. A.	
1	Apparel, including Haberdashery and Millinery, but excluding Boots, Shoes and Hosiery ...	...	*Ad valorem*	5 per cent.
2	Arms, Ammunition and Military Stores—			
	Fire-arms, and parts thereof ...	...	,,	10 per cent.
	Gunpowder, common ...	lb.	0 5	
	,, sporting ...	,,	1 0	
	All other sorts ...	...	*Ad valorem*	
3	Brushes, all sorts	...	,,	
4	Building and Engineering materials—			
	Asphalt	...	,,	
	Cements, all sorts	...	,,	
	Earthen-ware piping	...	,,	
5	Cabinet-ware and Furniture ...	...	,,	
6	Candles—			
	Paraffine	lb.	0 5	
	Spermaceti	,,	0 8	
	Wax	,,	1 0	
	All other sorts, including composition	,,	0 5	
7	Canes, Ratans, articles made of Cane or Ratan, and Basket-work—			5 per cent.
	Canes, Malacca	Doz.	1 0	
	Ratans	Cwt.	7 0	
	All other sorts, except common bamboos, which are free ...	...	*Ad valorem*	
8	Carriages and component parts thereof, except railway carriages and trucks	...	,,	
	Chemical products and preparations—			
	Acid, sulphuric	lb.	0 2	
	Alkali, country (sajji khár) ...	Cwt.	2 0	
	Alum	,,	4 0	
	Arsenic	,,	25 0	
	,, China mansil ...	,,	16 0	
	Brimstone, flour	,,	7 0	
	,, roll	,,	6 0	
	,, rough	,,	4 8	
	Copperas, green	,,	3 0	
	Sal ammoniac	,,	25 0	
	All other sorts	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
10	CHINESE AND JAPANESE-WARE, INCLUDING LACQUERED-WARE, BUT EXCLUDING EARTHEN-WARE, CHINA AND PORCELAIN ...	...	*Ad valorem*	
11	CLOCKS, WATCHES AND OTHER TIME-KEEPERS	...	„	
12	COIR AND ARTICLES MADE OF COIR—			
	Matting	...	„	
	Yarn of all kinds	Cwt.	9 0	
	Other articles made of coir, except cables and rope	...	*Ad valorem*	
13	CORAL, REAL	...	„	
14	CORDAGE AND ROPE MADE OF ANY VEGETABLE FIBRE EXCEPT COTTON AND JUTE—			
	Coir cables, tarred	Cwt.	10 0	
	Coir rope	„	10 0	
	Cordage, hemp, European ...	„	20 0	
	„ Manilla	„	25 0	
	Twine, European, Sail ...	lb.	0 8	
	All other sorts	...	*Ad valorem*	
15	CORK AND ARTICLES MADE OF CORK—			
	Bottle-corks	Gross	1 8	
	Vial-corks	„	0 8	
	All other sorts	...	*Ad valorem*	5 per cent.
16	COTTON AND ARTICLES MADE OF COTTON—			
	Cotton hosiery	...	„	
	Cotton, Raw, not the produce of Continental Asia or Ceylon	...	„	
	Cotton rope	Cwt.	25 0	
	Country canvas	„	50 0	
	Piece Goods—			
	Grey—			
	Jaconets, exceeding 10 × 10 to the quarter-inch	lb	0 12	
	Jaconets, other sorts ...	„	0 10½	
	Mulls	„	1 1	
	Printers	„	0 10½	
	Shirtings and longcloths ...	„	0 9	
	T cloths 18 reed and upwards, and madapollams	„	0 9½	
	T cloths under 18 reed, jeans, domestics, sheetings and drills ...	„	0 8	
	Other sorts	...	*Ad valorem*	
	Sewing thread—			
	Goa and Country	Cwt.	30 0	
	On reels or cards containing 100 yards each, and *pro rata* above and below*	Gross	3 0	
	White and coloured	lb.	1 0	

* Duty to be charged either on the mark or on the actual length.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
	COTTON AND ARTICLES MADE OF COTTON, —*contd.*		Rs. A.	
	Twist—			
	Mule—No. 15 and lower Nos. ...	lb.	0 5	
	Nos. 16 to 24 ...	„	0 7	
	„ 25 to 32 ...	„	0 8	
	„ 33 to 42 ...	„	0 9½	
	„ 43 to 52 ...	„	0 11	
	„ 53 to 60 ...	„	0 12½	
	„ 61 to 70 ...	„	0 14	
	„ 71 to 80 ...	„	0 15	
	And so on, one anna to be added to the valuation per lb. for every count of ten, or part of a count of ten, above 80.			3½ per cent
	Water—No. 20 and lower Nos. ...	„	0 8	
	Nos. 21 to 30 ...	„	0 9½	
	„ 31 to 40 ...	„	0 11½	
	„ 41 to 50 ...	„	0 13	
	Above 50 ...	„	1 0	
	Twist, Orange, Red, and other colours except Turkey Red* ...	„	0 13	
	Twist, Turkey Red, all kinds* ...	„	1 6	
	Cotton goods, all other sorts ...	...	*Ad valorem*	
17	DRUGS AND MEDICINES, EXCEPT OPIUM—			
	Aloes, black	Cwt.	11 0	
	„ Socotra	„	25 0	
	Assafœtida (híng)	„	55 0	
	„ coarse (híngrá) ...	„	10 0	
	Camphor, Bhemsaini (baras) ...	lb.	80 0	
	„ refined, cake ...	Cwt.	65 0	
	„ crude, in powder ...	„	40 0	
	Cassia lignea	„	38 0	
	Salep	„	80 0	
	Senna leaves	„	5 0	
	All other sorts, except quinine which is free	...	*Ad valorem*	
18	DYEING AND COLOURING MATERIALS—			
	Aniline dyes—Magenta and Roseine	oz.	0 4	
	Cochineal	lb.	1 4	5 per cent.
	Gallnuts, country, Myrabolam ...	Cwt.	4 0	
	„ Persian	„	25 0	
	Madder or manjíth	„	12 0	
	Orchilla weed	„	5 0	
	Sapan wood and root	„	5 0	
	All other sorts	...	*Ad valorem*	
19	EARTHEN-WARE (EXCEPT EARTHEN-WARE PIPING), CHINA, CHINA CLAY AND PORCELAIN	...	„	
20	FIREWORKS—			
	China	Box of 133⅓ lbs.	30 0	
	All other sorts	...	*Ad valorem*	
21	FLAX AND ARTICLES MADE OF FLAX—			
	Canvas, European sail, not exceeding 40 yards	Bolt	15 0	
	Piece goods	...	*Ad valorem*	
	All other sorts, including linen thread	...	„	

* Duty to be charged on the grey weight of the coloured yarn: when this is not ascertainable, the actual wharf weight, or invoice weight, to be taken.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
22	FRUITS AND VEGETABLES—			
	Almonds without shell ...	Cwt.	30 0	
	„ in the shell ...	„	11 0	
	Cajoo kernels ...	„	10 0	
	Cocoanuts	Thousand	30 0	
	„ kernel (khopra) ...	Cwt.	8 8	
	Currants, European	„	35 0	
	„ Persian	„	12 0	
	Dates, dry, in bags	„	4 8	
	„ wet, in bags	„	3 8	
	„ „ in pots	„	7 0	
	Figs, European	„	42 0	
	„ Persian, dried	„	6 8	
	Garlic	„	5 0	
	Pistachio nuts	„	20 0	
	Prunes, Bussorah	„	16 0	
	Raisins, black, Persian Gulf, Red Sea, and Kishmish	„	16 0	
	„ Munakka, Persian Gulf, and Red Sea	„	7 0	
	„ Malaga and bloom ...	lb	0 10	
	„ other sorts	...	*Ad valorem*	
	Walnuts	Cwt.	5 8	
	All other sorts, except Bed-mushk, Bajarbattu nuts, and fresh fruits and vegetables not separately enumerated, which are free ...	...	*Ad valorem*	
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS AND FALSE CORALS—			
	Bangles, Glass, China, gilt ...	100 pairs	6 0	
	„ „ „ not gilt ...	„	3 0	
	Beads, China	Cwt.	30 0	5 per cent.
	Coral, false	...	*Ad valorem*	
	Glass, China, of all colours ...	133⅓ lbs.	32 0	
	„ Crown, colored	100 Supl. feet	25 0	
	„ „ of sizes	„	7 0	
	Pearls, false—			
	Bájria	Lakh	5 0	
	Boria	Thousand	1 4	
	Jouria	Lakh	8 0	
	Nathia	Thousand	0 6	
	Tachea	„	1 0	
	Wattanah	Lakh	10 0	
	All other sorts of beads, false pearls and glass, except bottles used to bottle beer, wine, spirit, or aerated waters, which are free ...	...	*Ad valorem*	
24	GUMS, GUM RESINS, AND ARTICLES MADE OF GUM OR GUM RESIN—			
	Copal	Cwt.	65 0	
	Cutch and Gambier	„	10 0	
	Gum Ammoniac	„	12 0	
	„ Arabic	„	15 0	
	„ Bdellium, (common gum) ...	„	5 0	
	„ Benjamin	„	40 0	
	„ Bysabol (coarse myrrh) ...	„	12 0	
	„ Olibanum or frankincense ...	„	12 0	
	Kino	„	10 0	
	Myrrh	„	30 0	
	„ Persian (false)	„	3 0	
	Rosin	„	5 0	
	All other sorts	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
25	HARDWARE AND CUTLERY, INCLUDING IRONMONGERY AND PLATED-WARE, BUT EXCLUDING MACHINERY AND THE COMPONENT PARTS THEREOF, WHICH ARE FREE, AND AGRICULTURAL IMPLEMENTS, WHICH ALSO ARE FREE	...	*Ad valorem*	
26	HEMP AND ARTICLES MADE OF HEMP—			
	Piece goods	...	„	
	All other sorts except rope ...	...	„	
27	HIDES AND SKINS, EXCEPT RAW OR SALTED HIDES OR SKINS, WHICH ARE FREE—			
	Hides—			
	Border	Each	30 0	
	Buffalo	Score	80 0	
	Cow	„	60 0	
	Skins—			
	Calf	Doz.	45 0	
	Chamois	„	6 0	
	Goat	Score	16 0	
	Lamb	„	6 0	
	Roan	Doz.	30 0	
	Sheep	Score	11 0	
	All other sorts	...	*Ad valorem*	5 per cent.
28	INSTRUMENTS AND APPARATUS—			
	Musical	...	„	
	Drawing, Measuring, Optical, Photographic (including materials for photography), Surveying, and Surgical (including surgical appliances)	...	„	
29	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders ...	Cwt.	125 0	
	Elephants' tusks each exceeding 20 lbs. in weight	„	450 0	
	Elephants' tusks not less than 10 lbs. and not exceeding 20 lbs. each ...	„	325 0	
	Elephants' tusks each less than 10 lbs.	„	175 0	
	Sea-cow or moye teeth, each not less than 3 lbs.	„	175 0	
	Sea-cow or moye teeth, each less than 3 lbs.	„	60 0	
	Articles made of ivory ...	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
30	JEWELLERY, INCLUDING PLATE—		Rs. A.	
	Silver-ware, Plain } Other than European	Tolah	1 2	
	„ Embossed or chased. } Other than European	„	1 8	
	All other sorts, except precious stones and pearls, which are free ...	...	*Ad valorem*	5 per cent.
31	LEATHER, AND ARTICLES MADE OF LEATHER, INCLUDING BOOTS, SHOES, HARNESS AND SADDLERY, BUT EXCLUDING BELTING FOR DRIVING MACHINERY, WHICH IS FREE	...	„	
32	LIQUORS—			
	Ale, beer and porter	Impl. Gallon or six quart bottles ...	...	One anna.
	Cider, and other fermented liquors			
	Liqueurs	„	...	Rs. 4.
	Spirit, for use exclusively in arts or manufactures or in chemistry, which has been rendered effectually and permanently unfit for human consumption ...	...	*Ad valorem*	10 per cent.
	Spirit, other sorts ...	Impl. Gallon or six quart bottles of the strength of London proof ...	...	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Wines—			
	Champagne and all other sparkling wines	Impl. Gallon or six quart bottles ...	...	Rs. 2-8.
	Claret, and Still Burgundy ...	„	...	Re. 1.
	All other sorts of still wines ...	„	...	Re. 1-8.
33	MATCHES, LUCIFER, AND ALL OTHER SORTS	...	*Ad valorem*	
34	MATS—			
	Floor-matting, China and Singapore, of all sorts	Hundred	70 0	
	All other sorts except coir matting ...	...	*Ad valorem*	
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS—			
	Brass—			
	Beads, Ghúngrí, China ...	Thousand	0 14	
	Old	Cwt.	85 0	
	Sheets, rolls, very thin ...	„	90 0	
	Wire	lb.	0 8	
	All other sorts	...	*Ad valorem*	5 per cent.
	Copper—			
	Australian cake	Cwt.	50 0	
	Bolt	„	50 0	
	Brazier's	„	52 0	
	China cash	„	30 0	
	Japan	„	48 0	
	Nails and composition nails ...	„	48 0	
	Old	„	48 0	
	Pigs and slabs, foreign ...	„	46 0	
	Sheet, sheathing, and plate ...	„	52 0	
	Tiles, ingots, cakes, and bricks ...	„	48 0	
	Other sorts, unmanufactured ...	...	*Ad valorem*	
	China white copper-ware ...	lb.	1 2	
	Foil or dakpana	100 leaves	3 0	
	Wire	lb.	0 10	
	All other sorts	...	*Ad valorem*	
	Gold Leaf, European	100 leaves	3 0	
	„ Mock	20 books	5 0	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
	METALS, &c.—*contd.*		Rs. A.	
	Iron—			
	Anchors and cables	...	*Ad valorem*	
	Angle and T iron	...	„	
	Beams, pillars, girders, bridge-work, and other descriptions of iron, imported exclusively for building purposes ...	...	„	
	Flat, square and bolt, including Scotch	Ton	100 0	
	Galvanised	Cwt.	11 0	
	„ Sheets and ridging ...	„	„	
	Hoop, plate and sheet ...	Ton	135 0	
	Nails, rose, clasp, and flat-headed, rivets and washers ...	Cwt.	12 8	1 per cent.
	Nails other sorts, including galvanised ...	...	*Ad valorem*	
	Nail rod	Ton	120 0	
	Old	Cwt.	2 0	
	Pig	Ton	55 0	
	Pipes and tubes	...	*Ad valorem*	
	Rice bowls	Set of ten	4 0	
	„	„ six	2 0	
	Rod, round, British, not exceeding half-inch diameter ...	Ton	130 0	
	„ exceeding half-inch diameter	„	100 0	
	Swedish, flat and square ...	„	160 0	
	Tinned plates	Cwt.	15 0	
	All other sorts, including wire, but excluding railway materials, and kentledge, which last-named article is free	...	*Ad valorem*	
	Lametta, double reels	Score	4 8	
	„ single „	„	2 4	
	Lead—			
	Ore, Galena	Cwt.	13 0	
	Pig	„	11 0	
	Pipes	...	*Ad valorem*	
	Sheets, tea	Cwt.	20 0	
	„ other sorts	„	12 0	
	Orsidue and brass leaves, foreign, European	lb.	1 2	
	„ „ „ China ...	„	0 14	
	Patent or Yellow Metals, sheathing, sheets, and bolts	Cwt.	42 0	
	Ditto ditto old	„	37 0	
	Quicksilver	lb.	2 8	
	Shot, bird	Cwt.	16 0	
	Steel excluding railway materials—			5 per cent.
	Blistered	„	9 0	
	British and foreign other than Swedish	„	9 0	
	Cast	„	25 0	
	Spring	„	10 0	
	Swedish	„	10 0	
	Tin, Block	„	50 0	
	„ other sorts	...	*Ad valorem*	
	Zinc or Spelter—			
	Nails	Cwt.	14 0	
	Plate and other shapes, soft ...	„	15 0	
	„ „ „ hard ...	„	11 0	
	Sheet or zinc sheathing ...	„	17 0	
	All other sorts	...	*Ad valorem*	
36	MILITARY AND OTHER UNIFORMS AND ACCOUTREMENTS &C., EXCEPT UNIFORMS AND ACCOUTREMENTS IMPORTED BY A PUBLIC SERVANT FOR HIS PERSONAL USE, WHICH ARE FREE	...	„	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
37	NAVAL STORES NOT OTHERWISE DESCRIBED, EXCEPT OAKUM, WHICH IS FREE ...	...	*Ad valorem*	5 per cent.
38	OILS—			
	Cassia	lb.	3 0	
	Cocoanut	Cwt.	15 0	
	Grass	lb.	1 12	
	Jinjilí or til	Cwt.	15 0	
	Kerosine, paraffine, petroleum, rock and shale oils of all descriptions	Impl. Gallon	0 12	
	Linseed, European	„	2 0	
	Naphtha	Cwt.	80 0	
	Otto of sorts	oz.	10 0	
	Sandalwood	lb.	8 0	
	Turpentine	Impl. Gallon	1 10	
	Whale (except spermaceti) and fish	Cwt.	15 0	
	Wood	„	15 0	
	All other sorts, except cocum and slush fat, which are free ...	...	*Ad valorem*	
39	OIL AND FLOOR CLOTH	...	„	
40	OPIUM NOT COVERED BY A GOVERNMENT PASS	Seer of 80 tolahs	...	Rs. 24.
41	PAINTS, COLOURS, PAINTERS' MATERIALS, AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—			
	Ochre other than European, all colours	Cwt.	1 8	5 per cent.
	Paints of sorts	„	12 0	
	„ Composition	„	25 0	
	„ Patent driers	„	14 0	
	Prussian blue, China	lb.	0 8	
	„ „ European ...	„	1 8	
	Red lead	Cwt.	14 0	
	Turpentine	Impl. Gallon	1 10	
	Verdigris	Cwt.	75 0	
	Vermilion, Canton	Box of 90 bundles	150 0	
	White lead	Cwt.	12 0	
	All other sorts	...	*Ad valorem*	
42	PAPER—			
	Wall paper	...	„	
43	PERFUMERY—			
	Atary, Persian	Cwt.	15 0	
	Perfumed spirit in wood, or in bottles containing more than half a pint...	Impl. Gallon	...	Rs. 4.
	Rose-flowers, dried	Cwt.	13 0	
	Rose-water	Impl. Gallon	1 12	
	All other sorts, including perfumed spirit in bottles containing not more than half a pint ...	...	*Ad valorem*	
44	PIECE GOODS, NOT OTHERWISE DESCRIBED	...	„	
45	PIPES AND OTHER IMPLEMENTS USED IN THE CONSUMPTION OF TOBACCO ...	...	„	5 per cent.
46	PITCH, TAR, AND DAMMER—			
	Bitumen	...	„	
	Dammer	Cwt.	5 0	
	Pitch, American and European ...	„	6 0	
	„ Coal	„	2 8	
	Tar, American and European ...	„	6 0	
	„ Coal	„	2 8	
	„ Mineral	...	*Ad valorem*	

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
47	PROVISIONS AND OILMAN'S STORES—			
	Bacon in canisters, jowls and cheeks	lb.	0 9	5 per cent.
	Beef and pork	Tierce of three cwt.	60 0	
		Barrel of two „	40 0	
	Cheese	lb.	0 10	
	China preserves	Box of six jars	8 0	
	Flour	Barrel or sack of 200 lbs.	15 0	
	Ghee	Cwt.	36 0	
	Groceries not otherwise described ...	...	*Ad valorem*	
	Pork hams	lb.	0 10	
	Salted fish*	Cwt.	...	12 annas.*
	Tongues, salted	Keg of six	10 0	5 per cent.
	Vinegar, European, in wood ...	Impl. Gallon	1 8	
	„ Persian	„	0 12	
	„ Country	„	0 6	
	All other sorts, except bêche-de-mer, fishmaws, shark-fins, singally and sozille, which are free ...	...	*Ad valorem*	
48	RAILWAY MATERIALS—			
	Of iron	...	„	1 per cent.
	Steel rails and other articles made of steel intended for the permanent-way of railways ...	...	„	
	All other sorts, including carriages and trucks	...	„	5 per cent.
49	SALT—			
	Imported into British Burma ...	Indian maund of 3,200 tolahs.	...	3 annas.
	„ into Bengal ...	„	...	Rs. 3-4.
	„ into any other part of British India... ...	„	...	„ 1-13.
50	SEEDS—			
	Castor	Cwt.	4 8	5 per cent.
	Cummin	„	13 0	
	„ black	„	4 8	
	Linseed	„	5 8	
	Methi	„	4 0	
	Mustard, rape, or sarson ...	„	4 8	
	Quince seed or bihi-dana ...	„	30 0	
	Sozírá	„	20 0	
	All other sorts, except seeds imported by any Public Society for gratuitous distribution, which are free	...	*Ad valorem*	
51	SHELLS AND COWRIES—			
	Chanks—			
	Large shells, for cameos ...	Hundred	10 0	
	White, live	„	6 0	
	„ dead	„	3 0	
	Cowras—			
	From Mozambique and Zanzibar ...	„	3 0	
	From other places	„	0 8	

* Duty to be levied only on salted fish imported into the Bombay Presidency except Sindh, and into such other parts of British India as the Governor General in Council may, by notification in the *Gazette of India*, from time to time, direct.

IMPORT TARIFF—*continued.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
	SHELLS AND COWRIES—*contd.*			
	Cowries—			
	Bazar, common	Cwt.	2 8	
	Maldive	,,	10 0	
	Sankhli	,,	50 0	
	Yellow, superior quality ...	,,	5 0	
	Mother-of-pearl	,,	30 0	
	Tortoise-shell	lb.	6 0	
	,, nakh	,,	1 0	
	All other sorts, including nakhla ...	...	*Ad valorem*	
52	SILK AND ARTICLES MADE OF SILK—			
	Floss	lb.	8 0	
	Piece goods	...	*Ad valorem*	
	Raw Silk—			
	Chaháram and Cochin China ...	lb.	4 0	
	Mathow	,,	1 12	
	Other kinds of China ...	,,	7 0	
	Panjam and Kachra... ...	,,	1 4	
	Persian	,,	5 0	
	Siam	,,	2 8	
	Sewing thread, China	,,	8 0	
	All other sorts	...	*Ad valorem*	
53	SOAP	...	,,	
54	SPICES—			
	Aniseed star	Cwt.	35 0	
	Betelnuts—			
	Goa	,,	12 0	5 per cent.
	In the husk	Thousand	2 0	
	White, Srivarddhan... ...	Cwt.	18 0	
	All other sorts	,,	5 0	
	Chillies, dried	,,	8 0	
	Cloves	,,	40 0	
	,, in seeds, Narlavang ...	,,	16 0	
	Mace	lb.	1 2	
	Nutmegs	,,	1 0	
	,, in shell	,,	0 8	
	Pepper, black and long ...	Cwt.	25 0	
	,, white	,,	32 0	
	All other sorts	...	*Ad valorem*	
55	STATIONERY (EXCEPT PAPER, WHICH IS FREE)	...	,,	
56	SUGAR—			
	China, candy	Cwt.	20 0	
	Loaf	,,	23 0	
	Soft	,,	13 8	
	All other sorts of saccharine produce	...	*Ad valorem*	
57	TEA—			
	Black	lb.	0 12	
	Green	,,	1 4	
58	TOBACCO—			
	Manufactured	...	*Ad valorem*	
	Unmanufactured	...	,,	

IMPORT TARIFF—*concluded.*

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
59	TOILET REQUISITES, NOT OTHERWISE DESCRIBED	...	*Ad valorem*	
60	TOYS AND REQUISITES FOR ALL GAMES	...	,,	
61	UMBRELLAS—			
	China paper kettisals	Box of 110	30 0	
	Cotton, steel-ribbed	Each	0 13	
	,, cane-ribbed	,,	0 12	5 per cent.
	,, oiled, other than European...	,,	0 10	
	All other sorts	...	*Ad valorem*	
62	WOOLLEN GOODS—			
	Braid	...	,,	
	Hosiery	...	,,	
	Piece goods	...	,,	
	All other sorts	...	,,	

Schedule B.

EXPORT TARIFF.

No.	NAMES OF ARTICLES.	PER	TARIFF VALUATION.	RATE OF DUTY.
			Rs. A.	
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	Indigo—			
	Leaves, green or dry	Ton	...	Rs. 3.
	Manufactured	Indian maund of 3,200 tolahs.	...	
2	GRAIN AND PULSE—			
	Rice in the husk (paddy) ...	,,	...	3 annas.
	,, not in the husk	,,	...	
3	LAC—			
	Button	Cwt.	65 0	
	Seed	,,	45 0	
	Shell	,,	80 0	
	Stick	,,	35 0	4 per cent.
	All other sorts, except lac-dye, which is free	...	*Ad valorem*	

WHITLEY STOKES,
Secy. to the Govt. of India.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

(First publication.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th September 1875, and is hereby promulgated for general information :—

ACT No. XVII OF 1875.

THE BURMA COURTS ACT, 1875.

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An Act to consolidate and amend the law relating to the Courts in British Burma, and for other purposes.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the Courts in British Burma, and to extend to that Province certain Regulations of the Bengal Code; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Burma Courts Act, 1875:"

Extent.

It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma;

Commencement.

And it shall come into force on the passing thereof.

Repeal of Acts.

2. Acts No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*) and No. I of 1873 (*to amend the Burma Courts Act*, 1872) are repealed. But all rules made, directions given and powers conferred under either of the said Acts shall be deemed to have been respectively made, given and conferred hereunder.

And nothing herein contained shall render invalid the trials mentioned in section fourteen of the latter Act.

Interpretation-clause.

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

"Chief Commissioner." "Chief Commissioner" means the Chief Commissioner of British Burma:

"High Court." "High Court" means the High Court of Judicature at Fort William in Bengal; and

"Judicial Commissioner." "Judicial Commissioner" means the Judicial Commissioner of British Burma.

CHAPTER II.

LAW TO BE ADMINISTERED.

Certain decisions to be according to Native law.

4. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindú law in cases where the parties are Hindús,

shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished, or is opposed to any custom having the force of law in British Burma.

In cases not provided for by the former part of this section, or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

5. Except as provided in section four, all questions arising in suits before the Recorder of Rangoon shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Law to be administered in Court of Recorder of Rangoon.

CHAPTER III.

OF THE COURT OF THE JUDICIAL COMMISSIONER AND THE COURTS SUBORDINATE THERETO.

(a). Grades of Courts.

6. Besides the Courts of Small Causes, the Court of the Recorder of Rangoon and the Special Court hereinafter mentioned, there shall be six grades of Civil Courts in British Burma, (namely):—

Grades of Courts.

(*a*) the Court of the Extra Assistant Commissioner of the third class:

(*b*) the Courts of the Extra Assistant Commissioner of the second class, the Extra Assistant Commissioner of the first class, and the Assistant Commissioner:

(*c*) the Court of the Deputy Commissioner:

(*d*) the Court of the Judge of the Town of Maulmain:

(*e*) the Court of the Commissioner; and

(*f*) the Court of the Judicial Commissioner.

7. All existing Courts, corresponding to the Courts mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) of section six, and the presiding officers and the local limits of the jurisdiction thereof, respectively, shall be deemed to have been respectively established, appointed and fixed under this Act.

Confirmation of existing Courts and presiding officers.

(b). Number and local jurisdiction of Courts.

8. The Governor General in Council may from time to time vary the number of Courts of each grade established under this Act.

Power to vary number of Courts.

9. The Chief Commissioner may, with the previous sanction of the Governor General in Council, from time to time vary the local limits of the jurisdiction of any Court mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

Power to vary local jurisdiction of Courts of grades (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

10. Every such Court shall—

(*a*) be held at such place or places as may from time to time be directed by the Chief Commissioner; or, in the absence of any such direction, at any place within the local limits of the Court's jurisdiction which the presiding officer thinks fit, and

Place for holding Court.

(*b*) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner.

Seal to be used.

11. The general superintendence over all the Courts mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*) and (*e*) is vested in, and the said Courts shall be subordinate to, the Judicial Commissioner; and, subject to such general superintendence, the Commissioner shall control the Courts of the Deputy Commissioners within his Division; and the Deputy Commissioner shall control the Courts of grades (*a*) and (*b*) within his district.

Superintendence over Courts.

(c). Civil Jurisdiction.

12. The Courts mentioned in the first column of the subjoined table shall ordinarily have such civil jurisdiction respectively, for the adjudication of suits as is specified in the second column thereof:—

Civil jurisdiction of Courts.

Name and grade of Court.	Extent of jurisdiction.
(*a*). The Court of the Extra Assistant Commissioner of the third class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed five hundred rupees.
(*b*). The Court of the Extra Assistant Commissioner of the second class, the Court of the Extra Assistant Commissioner of the first class, and the Court of the Assistant Commissioner.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed three thousand rupees.
(*c*). The Court of the Deputy Commissioner.	Powers of a Civil Court in all suits, whatever be the amount or value of the subject-matter thereof. Powers of a District Judge. Power to hear appeals from decrees and orders in original suits and proceedings of the Courts of grades (*a*) and (*b*); where such appeal is allowed by law. Power to direct the business in the Courts of grades (*a*) and (*b*) to be distributed among such Courts in such way as he thinks fit.
(*d*). The Court of the Judge of the Town of Maulmain.	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value of the subject-matter of the suit does not exceed one thousand rupees.
(*e*). The Court of the Commissioner.	Power to withdraw any suit or appeal instituted in any Court within the local limits of his jurisdiction, except a Court of Small Causes or the Court of the Judge of the Town of Maulmain, and try such suit or appeal himself or refer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of grade (*c*), where such appeal is allowed by law.

Name and grade of Court.	Extent of jurisdiction.
(*f*). The Court of the Judicial Commissioner.	Powers of a High Court, in relation to all Courts in British Burma, including Small Cause Courts, except the Court of the Recorder of Rangoon, and the Court of Small Causes of Rangoon. Power to remove and try any suit, appeal or other proceeding instituted in any subordinate Court except a Court of Small Causes, or to refer it to any Court of competent jurisdiction as to the value or amount of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of the Commissioner, where such appeal is allowed by law.

Provided that, where a Court of Small Causes is established within the local limits of the jurisdiction of any Court of the said grade (*a*), (*b*) or (*c*), such Court shall not take cognizance of any suit cognizable by the Court of Small Causes so established.

(d). Special Civil Jurisdiction.

13. The Chief Commissioner may invest any Assistant Commissioner, or Extra Assistant Commissioner of the first or second class, with power to try suits, the subject-matter of which does not exceed in amount or value five thousand rupees.

Chief Commissioner may give special jurisdiction.

14. The Chief Commissioner may invest any presiding officer of the Courts of grades (*a*) and (*b*) mentioned in section six with the powers of a Judge of a Court of Small Causes, to hear and determine suits of a nature cognizable by a Court of Small Causes, and the subject-matter of which is of such amount or value as the Chief Commissioner thinks fit, not exceeding five hundred rupees.

Chief Commissioner may invest certain Courts with powers of Judge of Court of Small Causes.

Any Court so invested shall, in the exercise of the powers so conferred, be governed by the provisions of the law for the time being in force regulating the procedure of Courts of Small Causes outside the towns of Calcutta, Madras and Bombay.

15. The Chief Commissioner may extend the jurisdiction of any Court of Small Causes to suits of a nature cognizable by such Courts of which the subject-matter does not exceed in amount or value one thousand rupees.

Power to extend Small Cause jurisdiction to Rs. 1,000.

16. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Exercise by one Court within limits of another of same class, of powers of latter.

17. The Chief Commissioner may confer upon the officer in chief executive charge of any district the powers which might be exercised within such district by the Court of a Deputy Commissioner.

Power to confer powers of Deputy Commissioner's Court.

(e). Civil Procedure.

18. Where a suit is brought for immoveable property situate within the local limits of the jurisdictions of different Courts included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

Procedure when subject-matter of suit is situate within jurisdiction of different Courts.

If the said Courts belong to different Divisions, the application shall be made to the Judicial Commissioner through the Commissioner of the Division in which the Court wherein the suit was instituted is included.

If either of the said Courts is the Court of the Recorder of Rangoon, the application shall be made to the Special Court hereinafter mentioned.

19. No presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) shall, unless with the consent of the parties, or by the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal:

Presiding officer of Court not to try suit or appeal in which he is interested;

When any such suit, appeal or proceeding comes before the presiding officer of any Court subordinate to the Judicial Commissioner, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances of such transmission:

but in case of Courts subordinate to Judicial Commissioner, to transfer to superior Court;

Such Court shall thereupon try the case itself, or transfer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter.

Procedure thereon.

In the event of an appeal being preferred to the Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judicial Commissioner to try the case himself, or transfer it to the Court of the Recorder of Rangoon.

Appeal to Judicial Commissioner from order passed by him in other capacity or in which he is interested.

20. Notwithstanding anything contained in the Code of Civil Procedure, section 6, every Deputy Commissioner may direct suits to be instituted in the Courts subordinate to him, according to such rules as to the description of the suits and the amount or value of their subject-matter as he from time to time, with the sanction of the Judicial Commissioner, prescribes in this behalf,

Power to distribute business.

and may also, with the like sanction, direct the business of the said Courts to be distributed among them in such way as he thinks fit:

provided that no Court shall try any suit where the amount or value of the subject-matter exceeds its proper jurisdiction.

Notwithstanding anything contained in the same Code, sections 26 and 172, plaints may be written and evidence may be taken down in such language or languages as the Chief Commissioner from time to time directs in this behalf.

Language of plaints and record of evidence.

(*f*). *Civil Appeals.*

21. Subject to any express provision to the contrary contained in any Act for the time being in force in British Burma, an appeal shall lie from the decrees and orders of the Courts of original civil jurisdiction in British Burma to the Courts empowered by this Act to hear appeals from such decrees and orders.

Appeals to lie from Courts of original jurisdiction.

All such appeals presented between the fifth day of April, 1872, and the passing of this Act, shall be deemed to have been presented under this section.

22. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Time allowed for presenting appeals to Commissioner.

23. The Chief Commissioner may direct that the civil appellate jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner, either wholly or in respect of a particular suit or class of suits, and either for a specified time or until further orders.

Transfer of civil appellate jurisdiction to Judicial Commissioner.

The Chief Commissioner may also at any time direct that any appellate jurisdiction which has been so transferred to the Judicial Commissioner shall revert to the Commissioner from whom it was so transferred.

24. The Appellate Court may confirm the decision of the Lower Court without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Confirmation of decision of Lower Court without summoning respondent.

25. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt, and refer it, with the Court's own opinion thereon, for the decision of the Judicial Commissioner.

Reference to Judicial Commissioner.

26. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made; and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity therewith.

Procedure on such reference.

The costs, if any, consequent on any such reference to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

Costs of reference.

27. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

When Judicial Commissioner may receive second appeal.

28. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a matter of fact, such decision shall be final.

When decision of first Appellate Court to be final.

29. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have made an incorrect ruling, and to submit it to the Judicial Commissioner, or to allow him to appeal on the same point to the Judicial Commissioner.

Reference to Judicial Commissioner when decision of Lower Court confirmed on certain points.

Such application or appeal shall not be admitted, unless it is made within the period prescribed by law for petitions of appeal. And if the statement is drawn up, or the appeal is allowed, the applicant shall be chargeable with the fee prescribed by law for petitions of appeal.

In the case of an application to draw up a statement, if the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall draw up a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Judicial Commissioner.

If the Court refuses to draw up such statement, it shall record in writing its reasons for so refusing, and a certified copy of such reasons shall, on application to the Court, be furnished to any party to the suit.

The costs of a statement drawn up under this section shall be costs in the cause. The costs of an application under this section to be allowed to appeal shall, if the appeal be allowed, be disposed of by the Court of appeal.

30. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred, as if it were an appeal instituted in his Court, except that it shall not be necessary for the parties to be present:

Procedure of Judicial Commissioner thereupon.

the Judicial Commissioner shall send a copy of his judgment to the Court by which the case was submitted, and the said Court shall dispose of the case in conformity with such judgment.

31. When the Judicial Commissioner entertains any doubt as to the decision to be passed on any appeal made or case referred under this Act, he may make a reference to the High Court, and shall send the record of the said appeal or case and all the proceedings connected therewith to the said Court.

Reference by Judicial Commissioner to High Court.

The procedure prescribed by section thirty shall *mutatis mutandis* be followed by the High Court in the disposal of references made under this section.

Procedure thereupon.

32. The costs, if any, consequent on such reference shall be disposed of by the Judicial Commissioner.

Provision as to costs.

33. For the trial of any civil appeal or reference under this Act, the Judicial Commissioner may constitute two or more persons assessors of his Court. Such persons shall attend during the trial and shall deliver their opinions in writing to be recorded on the proceedings. But the decision of the case shall rest with the Judicial Commissioner.

Assessors for trial of civil appeals and references.

No officer of the Judicial Commissioner's Court shall be appointed an assessor under this section.

34. In any case in which a Court of first appeal has, in the opinion of the Judicial Commissioner, wrongly refused to submit a statement or allow an appeal under section twenty-nine, the Judicial Commissioner may call for the record of the case, and may, on receipt of such record, proceed to try the case as if it were an appeal instituted in his own Court.

Power to call for record.

And in any case in which a Court of first appeal has submitted such a statement, but, in the opinion of the Judicial Commissioner, the statement is unduly limited, or justice cannot be done without re-hearing the case, the Judicial Commissioner may proceed to try the case as if it were an appeal instituted in his own Court.

The Judicial Commissioner shall send to the Court of first appeal a copy of his judgment in any case tried under this section, and the said Court shall dispose of the case in conformity with such judgment.

(*g*). *Criminal Jurisdiction.*

35. The Judicial Commissioner shall be deemed to have and to have had the powers of a High Court under the Code of Criminal Procedure in criminal matters in relation to all Courts in British Burma, except that of the Recorder of Rangoon, and except those of Magistrates within the local limits of the ordinary civil jurisdiction of the said Recorder:

Criminal jurisdiction—(*a*) of Judicial Commissioner,

The Commissioner shall be deemed to have and to have had the powers of a Sessions Judge:

(*b*) of Commissioner,

The Judge of the Town of Maulmain shall have the powers of a Sessions Judge.

(*c*) of Judge of Maulmain.

36. The Chief Commissioner may direct that the criminal jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner either wholly or in respect of a particular case or class of cases, and either for a specified time or until further orders. The Chief Commissioner may also at any time direct that any jurisdiction so transferred shall revert to the Commissioner from whom it was transferred.

Power of Chief Commissioner to transfer criminal jurisdiction.

(*h*). *Petitions to Judicial Commissioner when exercising transferred jurisdiction.*

37. When the civil or criminal appellate jurisdiction of any Commissioner has, under section twenty-three or section thirty-six, been transferred to the Judicial Commissioner,

Application of Acts VII of 1870 and IX of 1871 to certain petitions to Judicial Commissioner.

(*a*) all petitions and other documents presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Court Fees Act, 1870, be deemed to have been presented to the Commissioner: and

(*b*) all appeals and applications presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Indian Limitation Act, 1871, be deemed to have been presented to him in the exercise of his ordinary jurisdiction.

(*i*). *Appointment and removal of Officers.*

38. The presiding officers of all the Courts under this Act, except that of the Extra Assistant Commissioner of the third class, shall be appointed by the Governor General in Council.

Appointment of officers.

Extra Assistant Commissioners of the third class shall be appointed and may be removed by the Chief Commissioner.

39. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

Suspension and removal of presiding officers.

The presiding officer of any such Court, except the Courts of the Judicial Commissioner and the Recorder of Rangoon, may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

40. The ministerial officers of the Courts of grades (*a*) and (*b*) mentioned in section six shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate.

Appointment of ministerial officers of Courts (*a*) and (*b*) mentioned in section 6.

The ministerial officers of all other Courts under this Act shall be appointed by the presiding officers thereof;

provided that the appointment of every ministerial officer of a Court subordinate to the Judicial Commissioner, whose monthly salary exceeds fifty rupees, shall be subject to the sanction of the Judicial Commissioner.

41. Every Court of the grades (*a*) and (*b*) mentioned in section six may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of misconduct or neglect in the performance of the duties of his office.

Power to fine, suspend, or remove such officers.

The Deputy Commissioner, subject to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order; and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of a Court subordinate to him.

The presiding officer of any of the Courts of grades (*c*), (*d*), (*e*) and (*f*) mentioned in section six, and of any Court of Small Causes, may remove or suspend the ministerial officers of his Court, or fine them in an amount not exceeding one month's salary; but in the case of Courts subordinate to the Judicial Commissioner, every such removal, suspension or fine shall be subject to review by him.

Recovery of fines.

42. Any fine imposed under this chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Chief Commissioner's control over appointments, &c., of ministerial officers.

43. The Chief Commissioner shall have a power of general control over all appointments and removals of ministerial officers under this Act.

(*k*). *Holidays.*

List of holidays.

44. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

Such list shall be published in the *British Burma Gazette*, and the days therein mentioned shall be observed accordingly.

CHAPTER IV.

OF THE COURT OF THE RECORDER OF RANGOON.

(*a*). *The Recorder.*

The Court of the Recorder of Rangoon.

45. There shall continue to be a Court, to be called the Court of the Recorder of Rangoon.

Appointment of Recorder.

The Recorder shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

Place of holding Court.

He shall hold his Court ordinarily in the Town of Rangoon; but the Chief Commissioner may direct him on any particular occasion to hold his Court at Maulmain, Akyab, or Bassein, for the trial of civil suits or appeals transferred to him, or of criminal cases in which European British subjects are concerned.

Seal to be used.

The Recorder shall use a seal of such form and dimensions as are for the time being prescribed in this behalf by the Chief Commissioner.

Provision for discharge of duties of Recorder in case of vacancy in his office.

46. Upon the occurrence of any vacancy in the office of Recorder of Rangoon, and during any absence of the Recorder, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Recorder; and the Judicial Commissioner or the Commissioner so directed shall thereupon be authorized to preside in the Court of the Recorder and to exercise the jurisdiction of the Recorder until some person has been appointed by the Governor General in Council to fill or officiate in the office of the Recorder, and has entered upon the discharge of the duties of such office, or until the Recorder resumes his duties.

(*b*). *Civil Jurisdiction.*

Local limits of ordinary civil jurisdiction of Recorder.

47. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the ordinary civil jurisdiction of the Recorder appointed under this Act; but the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, vary such limits.

Civil jurisdiction of Recorder.

48. The Court of the Recorder shall have jurisdiction in the adjudication of suits of every description, except those which are cognizable by a Court of Small Causes, if, in the case of immoveable property, the subject-matter of the suit is situate, or if, in all other cases, the cause of action or a material part thereof has arisen, or the defendant at the time of the commencement of the suit dwells, or either personally or by his servant or agent carries on business or works for gain, within the limits mentioned in section forty-seven.

A corporation or company having an office within such limits shall, when the cause of action, or a material part thereof, has arisen in British Burma, or in any foreign territory adjacent thereto, be deemed, for the purpose of this section, to carry on business at such office.

No appeal from Recorder's Court in certain cases.

49. There shall be no appeal from the decree or order of the Recorder passed in any original suit or proceeding where the amount or value of the subject-matter does not exceed three thousand rupees.

When appeal lies to High Court.

But where the amount or value of the suit or proceeding in the Recorder's Court exceeds three thousand rupees, and is less than ten thousand rupees, an appeal shall lie to the High Court: provided that the amount or value of the matter in dispute on appeal must exceed the former sum and be less than the latter.

Assessors in Civil suits.

50. For the trial of civil suits the Recorder may constitute one or more persons assessor or assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Recorder.

No officer of the Recorder's Court shall be appointed an assessor under this section.

Miscellaneous jurisdiction.

51. The Recorder shall within the local limits or of his ordinary civil jurisdiction, exercise the powers of a District Judge; and he shall also exercise the powers of a District Judge under Act No. IV of 1869 (*The Indian Divorce Act*) throughout British Burma.

Recorder's powers in respect of Small Cause Court, Rangoon.

52. The Recorder shall, in respect of the Court of Small Causes in Rangoon, exercise and perform the powers and duties of a High Court.

Grant of new trial.

53. The Recorder may, if he thinks fit, grant a new trial in any suit tried by him, if, in suits relating to land or other immoveable property, such new trial be applied for within three months from the date of the decision, and, in all other cases, if it be applied for within thirty days from the date of the decision.

Review of judgment.

Provided that nothing hereinbefore contained shall interfere with the power of the Recorder to allow a review of judgment under the Code of Civil Procedure, if such review be applied for within the period allowed for making such applications.

Security from applicant for either.

Provided also that, the Recorder may, if he thinks fit, before granting a new trial or a review, require the party applying for the same to give sufficient security for the due compliance with the terms of the decree or order which it is sought to set aside or review, or for the costs of the new trial or review.

Power to state case for decision of High Court.

54. If in any suit any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, arises, on which the Recorder entertains any doubt, he may, either of his own motion, or on the application of the parties to the suit or either of them, draw up a statement of the case, and refer such statement, with his own opinion, for the decision of the High Court.

Decree contingent thereon.

55. The Recorder may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the decision of the High Court on the point referred; but no execution shall be issued in any case in which a reference has been made to the High Court, until the receipt of its decision on such reference.

Full bench to deal with cases referred.

56. Cases referred under section fifty-four for the decision of the High Court shall be dealt with by a bench of two or more Judges of that Court.

Procedure on reference.

57. The parties to the case may appear and be heard in the High Court in person, or by an Advocate or Pleader; but they shall not be bound so to appear; and the High Court, when it has heard and considered the case, shall transmit a copy of its decision, under the seal of the Court and the signature of the proper officer, to the Recorder, who shall, on the receipt thereof, dispose of the case conformably to the decision of the High Court.

Costs of reference to High Court.

Costs, if any, consequent on the reference of a case for the decision of the High Court, shall be costs in the suit.

Transfer of suits to Recorder's Court.

58. The Chief Commissioner may direct the transfer to the Recorder's Court of any suit or appeal which may have been instituted in any other Court in British Burma.

Trial of such suits.

Every case so transferred shall be tried and determined by the Recorder in the same manner as if he had originally had jurisdiction in such case and it had been instituted in his Court.

Disposal of suit where Recorder is interested.

59. When any suit or proceeding comes before the Recorder of Rangoon, to or in which he is a party or personally interested, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Recorder to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Jurisdiction of Judicial Commissioner in cases transferred.

The Judicial Commissioner shall have the same jurisdiction in the adjudication of cases so transferred as the Recorder has in suits and proceedings cognizable by him under this Act, and the provisions of sections fifty-three to fifty-seven inclusive shall *mutatis mutandis* apply to such cases.

(*c*). *Criminal Jurisdiction.*

Recorder to exercise powers of Session Court.

60. The Recorder shall exercise the powers of a Court of Session, as defined in the Code of Criminal Procedure, within the local limits of his ordinary civil jurisdiction and (on the occasion and for the purpose mentioned in section forty-five, clause three) at Maulmain, Akyab and Bassein:

Provided that sentences of death passed by him as a Court of Session shall be subject to the confirmation of the Special Court.

For the purposes of section 64A of the Code of Criminal Procedure, the Court of the Recorder shall be deemed to be a High Court.

Power to revise proceedings of Magistrates.

61. The Recorder shall have all the powers of a High Court under the Code of Criminal Procedure in respect of the Magistrates within the local limits of his ordinary civil jurisdiction and the proceedings of such Magistrates.

Jurisdiction as to European British subjects and persons charged jointly with them.

62. The Recorder shall have the powers of a High Court under the Code of Criminal Procedure for the trial of, and otherwise with reference to, European British subjects and persons charged jointly with European British subjects;

and all commitments of European British subjects and of persons charged jointly with European British subjects, on charges of offences committed within British Burma, which would according to the law of Criminal Procedure for the time being in force be made to a High Court, shall be made to his Court.

Procedure.

63. The proceedings on trials held by the Recorder for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure:

Provided that European officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

Liability of Military officers to serve as jurors.

The officer commanding the station where the Recorder is about to hold a Court of Session shall, when required, send in to the Court a list containing the names of all officers so liable to serve.

List of officers liable to serve.

The summons to any such officer to serve as a juror shall be sent through the officer commanding the station; but no officer shall be excused from attendance, unless the officer commanding the station shall certify in writing to the Court that the presence of the officer summoned is required elsewhere on urgent military duty: and in such certificate the commanding officer shall supply the name of some other officer for service upon the jury.

Officer summoned not excusable except for urgent military duty.

64. Sentences of death passed in the exercise of the powers conferred by section sixty-two shall not be carried out without the confirmation of the High Court, to which such sentences shall be referred.

Sentence of death to be referred to High Court.

(d). Admiralty Jurisdiction.

65. Throughout British Burma, including the territorial waters thereof, the Recorder shall have and exercise all such civil jurisdiction and maritime jurisdiction of a civil nature as may now be exercised by the High Court as a Court of Admiralty or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize-causes and other maritime questions as may now be exercised by the said High Court.

Admiralty jurisdiction of Recorder.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be regulated, as far as may be, by the Code of Civil Procedure; and in all such cases to which the rules contained in the said Code are not applicable, the procedure shall be in accordance with the rules for the time applicable to like cases in the High Court.

An appeal shall lie to the High Court from any sentence or decree of the Recorder under this section subject to the laws, rules and orders for the time being in force regarding appeals to the High Court under the Code of Civil Procedure.

(e). Insolvent Jurisdiction.

66. Within the Towns of Rangoon, Maulmain Akyab and Bassein, the Recorder shall have and exercise such powers and authorities with respect to insolvent debtors and their creditors as are for the time being exercisable with respect to insolvent debtors and their creditors by the High Court or a Judge thereof, in Calcutta.

Insolvent jurisdiction of Recorder.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be, as far as may be practicable, in accordance with the procedure prescribed by the 11th & 12th of Victoria, chapter twenty-one.

The Recorder shall, with the previous sanction of the Chief Commissioner, appoint a person to be official assignee in all insolvencies to be prosecuted in the Court of the Recorder; and the provisions of the said Statute relating to official assignees shall, *mutatis mutandis*, apply to the assignee so appointed.

Every order made by the Recorder in the exercise of the jurisdiction conferred by this section shall have the same force throughout British India as if it had been made by the High Court or a Judge thereof,

and all the provisions of the said Statute relating to the persons or property of insolvents shall, *mutatis mutandis*, apply to insolvents applying for relief under this section.

Any person thinking himself aggrieved by any adjudication, order or proceeding of the Court of the Recorder under this section may present, within one month thereafter, a petition to the Special Court; and such Court shall enquire into the matter of the petition and make such order thereon as it thinks just, and such order shall be final and, conclusive on all parties, and shall be binding on the Court of the Recorder.

The Recorder may, from time to time, with the previous sanction of the Chief Commissioner, make rules consistent with this Act for facilitating within his jurisdiction the relief intended to be hereby given; and such rules, on being published in the *British Burma Gazette*, shall have the force of law.

No conveyance, letter-of-attorney, or other instrument executed under any order of the Recorder in exercise of the jurisdiction conferred by this section shall be chargeable with stamp-duty.

(f.) Rules, Forms and Registers.

67. The Recorder may—

(*a*) make and issue general rules for regulating the practice and procedure of his Court and the levy of costs in suits therein,

Power to make rules of practice.

(*b*) prescribe forms for every proceeding in his Court for which he thinks that a form should be provided, and

(*c*) from time to time alter any such rule or form.

The rules so made, and the forms so framed, shall be published in the *British Burma Gazette*, and after being so published shall be observed and used in the said Court:

Provided that such rules and forms shall be consistent with the Codes of Civil and Criminal Procedure and any other law for the time being in force in British Burma, and shall, before they are so published, have received the sanction of the Chief Commissioner.

68. The Recorder may, with the previous sanction of the Chief Commissioner, make, and from time to time alter, rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction; and may from time to time settle tables of fees to be allowed to the persons employed in such service or execution.

Rules for service and execution of process.

Table of fees.

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

Publication of rules and tables.

Rules heretofore made to regulate the service and execution of process under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmain in British Burma; and to establish Courts of Small Causes in the said Towns*), or Act No. III of 1866 (*to confer certain increased powers on the Registrars of the Recorders' Courts in British Burma and for other purposes*) and now in force shall continue in force until superseded by rules made under this Act.

Rules now in force.

69. The Recorder shall keep such registers and books and accounts, and submit to the Chief Commissioner such statements and returns as may, subject to the approval of the Governor General in Council, be prescribed by the Chief Commissioner.

Registers and returns.

The Recorder shall also comply with such requisitions for information as are made by the Chief Commissioner, and, generally, in matters not judicial, shall be subject to the control of the Chief Commissioner.

(g). Ministerial Officers.

70. The ministerial officers of the Court of the Recorder of Rangoon shall be appointed by the Recorder, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary; but the suspension or removal of any officer drawing a salary of one hundred rupees or upwards shall be subject to the orders of the Chief Commissioner.

Appointment and removal of ministerial officers.

(h.) Holidays.

71. The Recorder shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in his Court, and shall submit the same for the sanction of the Chief Commissioner.

Holidays and vacations.

Such list, when it has received such sanction, shall be published in the *British Burma Gazette*, and the said holidays and vacations shall be observed accordingly.

CHAPTER V.

OF THE SPECIAL COURT.

72. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Recorder of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court, during the hearing of any case, as an additional Judge. Such Commissioner shall record his opinion in the case, and in case of a difference of opinion, the opinion of the majority shall be the decision of the Court.

Constitution of Special Court.

When the Judicial Commissioner and Recorder sit together as a Special Court, the senior officer, according to priority of appointment, shall have the precedence in the Court so formed.

Precedence in Special Court.

73. The Special Court shall ordinarily be held in the Town of Rangoon; but the Chief Commissioner may direct it to be held at any other place in British Burma.

Place of holding Special Court.

The Special Court shall use a seal of such form and dimensions as the Chief Commissioner from time to time directs.

Seal to be used.

74. The Judicial Commissioner and the Recorder of Rangoon may from time to time, with the previous sanction of the Chief Commissioner—

Rules and fees for Special Court.

(*a*) make rules for regulating the times and places of the sittings of the Special Court, the reception of applications relating to appeals to such Court, and the distribution of business between the Judges composing it; provided that such rules are consistent with this Act and other laws for the time being in force in British Burma,

(*b*) make rules to regulate the service and execution of the process of the Special Court; and

(*c*) settle a table of fees to be allowed to persons employed in such service or execution.

Such rules and table shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

The Judicial Commissioner and Recorder may also appoint, suspend or remove the ministerial officers of the Special Court: Provided that the suspension or removal of any officer drawing a salary of one hundred rupees and upwards shall be subject to the orders of the Chief Commissioner.

Ministerial officers.

Provided also that in case the Judicial Commissioner and Recorder differ in opinion as to any matter mentioned in this section, such matter shall be referred to the Chief Commissioner, whose order thereon shall be final.

75. Appeals from orders and decrees passed by—

Appeals from certain orders of Judicial Commissioner and Judge of Maulmain.

(*a*) the Judicial Commissioner in the exercise of any jurisdiction transferred to him under section twenty-three, or

(*b*) the Judge of the Town of Maulmain in civil suits and proceedings,

shall, where an appeal is allowed by law, be heard and determined by the Special Court.

76. If in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the said Judicial Commissioner and Recorder shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case so pending.

Judicial Commissioner and Recorder may sit as Special Court at the request of either.

In case of difference of opinion, that of the Court which sought the opinion of the other shall prevail.

77. The Chief Commissioner may direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, shall be transferred to and tried before the Special Court.

Chief Commissioner may direct cases to be tried by Special Court.

78. Any decree or sentence passed by a Special Court as above constituted on a memorandum recorded under section seventy-six, or in a case tried under section seventy-seven, shall issue as, and be deemed to be, a decree or sentence of the Cour from which the case was referred to the Special Court.

Decree of Special Court to be deemed a decree of original Court.

79. With reference to all trials held by the Judicial Commissioner or the Recorder of Rangoon in the exercise of any original criminal jurisdiction (including jurisdiction transferred under section thirty-six), and to sentences passed on such trials, the Special Court shall be deemed to be, for the purposes of appeal and otherwise, a High Court:

Special Court to be deemed a High Court in certain criminal matters.

Provided that nothing in the former part of this section applies to sentences of death passed by the Recorder on European British subjects or on persons charged jointly with European British subjects.

80. Whenever, in cases tried by the Judicial Commissioner and Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the following rules shall be observed:—

Rules as to finding of Special Court in case of difference of opinion.

(*a*). In cases coming before the Special Court by way of appeal, and not being criminal cases, if the Judicial Commissioner and Recorder do not concur in a judgment varying the decision appealed from, such decision shall be upheld. Provided that if the difference of opinion arise as to some point of law, or custom having the force of law, or the admissibility of evidence or construction of a document affecting the merits of the case, and if either the Judicial Commissioner or the Recorder be of opinion that the point should be referred to the High Court, they shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

(*b*). In criminal cases and in cases not coming before the Special Court by way of appeal, the Judicial Commissioner and the Recorder shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

81. Where in any case a statement is forwarded under section eighty, the case shall be deemed to be pending in the Special Court until it is finally decided under the provisions hereinafter contained.

Case to be deemed pending.

82. The High Court shall proceed to decide any point stated under section eighty as if it were an appeal instituted in such Court, except that it shall not be necessary for the parties to appear either personally or by agent. A copy of the decision of the High Court shall be sent to the Special Court, and such Court shall proceed to dispose of the case conformably with that decision.

Procedure of High Court on reference.

The costs, if any, consequent on the statement under section eighty, of any case for the opinion of the High Court, shall be costs in the suit or appeal.

Costs of reference.

83. For the purposes of the Court Fees Act, 1870, the Special Court shall be deemed to be a High Court in the exercise of its jurisdiction as a Court of Appeal or as a Court of Reference, as the case may be.

Special Court to be deemed a High Court under Acts VII of 1870 and IX of 1871.

For the purposes of the Indian Limitation Act, 1871, appeals and applications to the Special Court shall be deemed to be, respectively, appeals and applications to a High Court under the Code of Civil Procedure or under the Code of Criminal Procedure, as the case may be.

CHAPTER VI.

OF ADVOCATES.

(*a*). *In the Court of the Recorder and the Courts subordinate to him.*

84. No person shall be permitted to appear, plead, or act as the Advocate of any suitor in the Court of the Recorder, or in any Court subordinate to him, unless such person has been licensed thereto by the Recorder, either generally or specially.

Licensing of Advocates.

The Recorder may make rules for the qualification and admission of proper persons to act as Advocates in such Courts, and may from time to time cancel, vary or add to, any such rules:

Rules regarding qualifications and admission.

Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf or on behalf of a co-suitor:

Saving of agent for Secretary of State, &c.

Provided also that any person, who for the time being is an Advocate, Vakíl, or Attorney-at-law of any of the High Courts of Judicature in India, shall be entitled, without any such license, to act as an Advocate for any suitor in the Court of the Recorder and the Courts subordinate to him.

Advocates, &c., of High Courts.

85. The Recorder may, for any sufficient reason, by order suspend or withdraw any license granted under section eighty-four.

License may be suspended or withdrawn.

Any person aggrieved by such order may appeal to the High Court, and for the purposes of the Limitation Act his appeal shall be deemed to be an appeal under the Code of Civil Procedure.

(*b*). *In the Court of the Judicial Commissioner and the Courts subordinate thereto.*

86. No person shall be permitted to appear, plead or act as the Advocate of any suitor, or of any appellant, complainant or accused person, in the Court of the Judicial Commissioner, or in any Court, whether civil or criminal, subordinate thereto,

Licensing of Advocates.

unless such person is licensed thereto by the Judicial Commissioner, either generally or specially.

The Judicial Commissioner may from time to time make rules—

Rules for their qualification and admission.

(*a*) for the qualification, admission and enrolment of proper persons to appear, plead or act as aforesaid; and

(*b*) for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

All such rules shall be published in the *British Burma Gazette*.

Any person appearing, pleading or acting in contravention of any such rule, shall be liable, by order of the Court, to a fine not exceeding five hundred rupees.

87. Notwithstanding anything contained in section eighty-six, or in any rule made thereunder,

Saving of agents of Government, suitors, co-suitors, and Advocates of High Courts.

any person may appear, plead or act as the agent for the Crown or for the Secretary of State for India in Council,

and any suitor may appear, plead or act on behalf of himself or a co-suitor;

and any person who for the time being is an Advocate, Vakíl or Attorney-at-law of any High Court may appear, plead or act as the Advocate of any suitor in the Court of the Judicial Commissioner or any Court subordinate thereto.

And nothing contained in section eighty-six, or in any rule made thereunder, shall be deemed to affect the second clause of section 186 of the Code of Criminal Procedure.

(*c*). *In the Special Court.*

88. All persons for the time being licensed to appear, plead or act in the Court of the Recorder or the Court of the Judicial Commissioner shall be also entitled to appear, plead or act (as the case may be) in the Special Court.

Persons entitled to appear, &c., in Special Court.

(*d.*) *Advocates' Fees.*

89. The fees to be received by any Advocate, for business done in any Court under this Act, shall at all times be subject to the control and taxation of the presiding Judge; and no such fees shall be recoverable unless they have been allowed on taxation by the said Judge, or such officer as he appoints in this behalf.

Fees liable to taxation.

CHAPTER VII.

MISCELLANEOUS.

90. The Judicial Commissioner may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

Power to make rules as to costs.

The Recorder of Rangoon may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

And the Special Court may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in such Court.

91. The Judicial Commissioner, the Recorder of Rangoon, and the Judges of the Special Court may respectively make rules to provide for—

Power to make rules for recording judgments, taking down evidence and admission of affidavits.

(*a*) the recording of their respective judgments, orders and sentences:

(*b*) the taking down in their respective Courts of the evidence of witnesses; and

(*c*) the admission in their respective Courts of affidavits as evidence of the matters to which such affidavits respectively relate.

And the Chief Commissioner, on being satisfied that such rules provide sufficiently for the matters to which they respectively refer, may exempt the Judicial Commissioner, the Recorder, or the Special Court (as the case may be) from the operation of such parts of the Code of Civil Procedure and the Code of Criminal Procedure as relate to the mode of recording judgments, orders and sentences and of taking down the evidence of witnesses, and may permit the admission of affidavits as evidence of the matters aforesaid.

Power to exempt from provisions of Procedure Codes relating to such subjects,

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92. If any assessor is appointed under section thirty-three or section fifty at the desire of the parties, or any of them, such parties or party shall deposit such sum as the Judicial Commissioner or Recorder, as the case may be, decides to be reasonable compensation to such assessor for his time and trouble. Such sum shall be recoverable as costs in the cause.

Remuneration to assessor appointed at desire of suitor.

93. Instead of the last paragraph of section seven of the Prisoners' Testimony Act, 1869, the following shall be read:—

Amendment of section 7, Act XV of 1869.

"For the purposes of this Act, every jail in British Burma shall be deemed to be situate within the local limits of the appellate jurisdiction of the Judicial Commissioner; and the Recorder of Rangoon may issue orders, under this section or sections three or four, and may also issue commissions under Part III of this Act, in any jail in British Burma."

94. Notwithstanding anything contained in Act No. XI of 1865, section fifteen, the Government of India shall have, and be deemed to have had, power from time to time to invest any person with the powers of a Judge of the Court of Small Causes in the Town of Rangoon, or elsewhere in British Burma, without specifying any time during which he shall exercise such powers. And all persons so invested shall be deemed to have been duly invested under the same section.

Powers of Small Cause Court Judge in Rangoon.

95. Notwithstanding any repeal effected by the Burma Courts Act, 1872, section five, the following Acts, namely,—

Saving of Acts XIX of 1841, XL of 1858, IX of 1861, as regards British Burma,

Act No. XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in case of successions*), and

Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*),

are hereby declared to be, and from the fifteenth day of January, 1863, to have been, in force throughout British Burma:

And Act No. XIV of 1859 (*to provide for the limitation of suits*) as amended by Act No. XIV of 1862, shall be deemed to have been in force throughout the Province of Pegu from the same day down to and including the thirty-first day of March 1873.

and of Act XIV of 1859 as regards Pegu.

96. The Judge of the Town of Maulmain shall, for the purposes of the European British Minors Act, 1874, sections two and eight, be deemed to be a Deputy Commissioner: provided that appeals from his orders under that Act shall lie to the Special Court.

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97. Save as otherwise provided by this Act, the Code of Civil Procedure shall be, and shall on and from the fifth day of April, 1872, be deemed to have been, in force throughout British Burma.

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98. The unrepealed parts of the following Regulations of the Bengal Code shall, *mutatis mutandis*, be deemed to extend to British Burma, namely:—

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„ V of 1817—Hidden treasure; and

„ III of 1818—State Prisoners.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 25, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th September 1875, and is hereby promulgated for general information:—

ACT NO. XVII OF 1875.

THE BURMA COURTS ACT, 1875.

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An Act to consolidate and amend the law relating to the Courts in British Burma, and for other purposes.

Whereas it is expedient to consolidate and amend the law relating to the Courts in British Burma, and to extend to that Province certain Regulations of the Bengal Code; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Courts Act, 1875:"

Short title.

It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma;

Extent.

And it shall come into force on the passing thereof.

Commencement.

2. Acts No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*) and No. I of 1873 (*to amend the Burma Courts Act*, 1872) are repealed. But all rules made, directions given and powers conferred under either of the said Acts shall be deemed to have been respectively made, given and conferred hereunder.

Repeal of Acts.

And nothing herein contained shall render invalid the trials mentioned in section fourteen of the latter Act.

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

Interpretation-clause.

"Chief Commissioner" means the Chief Commissioner of British Burma:

"Chief Commissioner."

"High Court" means the High Court of Judicature at Fort William in Bengal; and

"High Court."

"Judicial Commissioner" means the Judicial Commissioner of British Burma.

"Judicial Commissioner."

CHAPTER II.

LAW TO BE ADMINISTERED.

4. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

Certain decisions to be according to Native law.

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindú law in cases where the parties are Hindús,

shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished, or is opposed to any custom having the force of law in British Burma.

In cases not provided for by the former part of this section, or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

5. Except as provided in section four, all questions arising in suits before the Recorder of Rangoon shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Law to be administered in Court of Recorder of Rangoon.

CHAPTER III.

OF THE COURT OF THE JUDICIAL COMMISSIONER AND THE COURTS SUBORDINATE THERETO.

(a). Grades of Courts.

6. Besides the Courts of Small Causes, the Court of the Recorder of Rangoon and the Special Court hereinafter mentioned, there shall be six grades of Civil Courts in British Burma, (namely) :—

Grades of Courts.

(*a*) the Court of the Extra Assistant Commissioner of the third class:

(*b*) the Courts of the Extra Assistant Commissioner of the second class, the Extra Assistant Commissioner of the first class, and the Assistant Commissioner:

(*c*) the Court of the Deputy Commissioner:

(*d*) the Court of the Judge of the Town of Maulmain:

(*e*) the Court of the Commissioner; and

(*f*) the Court of the Judicial Commissioner.

7. All existing Courts, corresponding to the Courts mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) of section six, and the presiding officers and the local limits of the jurisdiction thereof, respectively, shall be deemed to have been respectively established, appointed and fixed under this Act.

Confirmation of existing Courts and presiding officers.

(b). Number and local jurisdiction of Courts.

8. The Governor General in Council may from time to time vary the number of Courts of each grade established under this Act.

Power to vary number of Courts.

9. The Chief Commissioner may, with the previous sanction of the Governor General in Council, from time to time vary the local limits of the jurisdiction of any Court mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

Power to vary local jurisdiction of Courts of grades (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

10. Every such Court shall—

(*a*) be held at such place or places as may from time to time be directed by the Chief Commissioner; or, in the absence of any such direction, at any place within the local limits of the Court's jurisdiction which the presiding officer thinks fit, and

Place for holding Court.

(*b*) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner.

Seal to be used.

11. The general superintendence over all the Courts mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*) and (*e*) is vested in, and the said Courts shall be subordinate to, the Judicial Commissioner; and, subject to such general superintendence, the Commissioner shall control the Courts of the Deputy Commissioners within his Division; and the Deputy Commissioner shall control the Courts of grades (*a*) and (*b*) within his district.

Superintendence over Courts.

(c). Civil Jurisdiction.

12. The Courts mentioned in the first column of the subjoined table shall ordinarily have such civil jurisdiction respectively, for the adjudication of suits as is specified in the second column thereof:—

Civil jurisdiction of Courts.

Name and grade of Court.	Extent of jurisdiction.
(*a*). The Court of the Extra Assistant Commissioner of the third class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed five hundred rupees.
(*b*). The Court of the Extra Assistant Commissioner of the second class, the Court of the Extra Assistant Commissioner of the first class, and the Court of the Assistant Commissioner.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed three thousand rupees.
(*c*). The Court of the Deputy Commissioner.	Powers of a Civil Court in all suits, whatever be the amount or value of the subject-matter thereof. Powers of a District Judge. Power to hear appeals from decrees and orders in original suits and proceedings of the Courts of grades (*a*) and (*b*), where such appeal is allowed by law. Power to direct the business in the Courts of grades (*a*) and (*b*) to be distributed among such Courts in such way as he thinks fit.
(*d*). The Court of the Judge of the Town of Maulmain.	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value of the subject-matter of the suit does not exceed one thousand rupees.
(*e*). The Court of the Commissioner.	Power to withdraw any suit or appeal instituted in any Court within the local limits of his jurisdiction, except a Court of Small Causes or the Court of the Judge of the Town of Maulmain, and try such suit or appeal himself or refer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of grade (*c*), where such appeal is allowed by law.

Name and grade of Court.	Extent of jurisdiction.
(*f*). The Court of the Judicial Commissioner.	Powers of a High Court, in relation to all Courts in British Burma, including Small Cause Courts, except the Court of the Recorder of Rangoon, and the Court of Small Causes of Rangoon. Power to remove and try any suit, appeal or other proceeding instituted in any subordinate Court except a Court of Small Causes, or to refer it to any Court of competent jurisdiction as to the value or amount of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of the Commissioner, where such appeal is allowed by law.

Provided that, where a Court of Small Causes is established within the local limits of the jurisdiction of any Court of the said grade (*a*), (*b*) or (*c*), such Court shall not take cognizance of any suit cognizable by the Court of Small Causes so established.

(d). Special Civil Jurisdiction.

13. The Chief Commissioner may invest any Assistant Commissioner, or Extra Assistant Commissioner of the first or second class, with power to try suits, the subject-matter of which does not exceed in amount or value five thousand rupees.

Chief Commissioner may give special jurisdiction.

14. The Chief Commissioner may invest any presiding officer of the Courts of grades (*a*) and (*b*) mentioned in section six with the powers of a Judge of a Court of Small Causes, to hear and determine suits of a nature cognizable by a Court of Small Causes, and the subject-matter of which is of such amount or value as the Chief Commissioner thinks fit, not exceeding five hundred rupees.

Chief Commissioner may invest certain Courts with powers of Judge of Court of Small Causes.

Any Court so invested shall, in the exercise of the powers so conferred, be governed by the provisions of the law for the time being in force regulating the procedure of Courts of Small Causes outside the towns of Calcutta, Madras and Bombay.

15. The Chief Commissioner may extend the jurisdiction of any Court of Small Causes to suits of a nature cognizable by such Courts of which the subject-matter does not exceed in amount or value one thousand rupees.

Power to extend Small Cause jurisdiction to Rs. 1,000.

16. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Exercise by one Court within limits of another of same class, of powers of latter.

17. The Chief Commissioner may confer upon the officer in chief executive charge of any district the powers which might be exercised within such district by the Court of a Deputy Commissioner.

Power to confer powers of Deputy Commissioner's Court.

(e). Civil Procedure.

18. Where a suit is brought for immoveable property situate within the local limits of the jurisdictions of different Courts included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

Procedure when subject-matter of suit is situate within jurisdiction of different Courts.

If the said Courts belong to different Divisions, the application shall be made to the Judicial Commissioner through the Commissioner of the Division in which the Court wherein the suit was instituted is included.

If either of the said Courts is the Court of the Recorder of Rangoon, the application shall be made to the Special Court hereinafter mentioned.

19. No presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) shall, unless with the consent of the parties, or by the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal:

Presiding officer of Court not to try suit or appeal in which he is interested;

When any such suit, appeal or proceeding comes before the presiding officer of any Court subordinate to the Judicial Commissioner, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances of such transmission:

but in case of Courts subordinate to Judicial Commissioner, to transfer to superior Court;

Such Court shall thereupon try the case itself, or transfer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter.

Procedure thereon.

In the event of an appeal being preferred to the Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judicial Commissioner to try the case himself, or transfer it to the Court of the Recorder of Rangoon.

Appeal to Judicial Commissioner from order passed by him in other capacity or in which he is interested.

20. Notwithstanding anything contained in the Code of Civil Procedure, section 6, every Deputy Commissioner may direct suits to be instituted in the Courts subordinate to him, according to such rules as to the description of the suits and the amount or value of their subject-matter as he from time to time, with the sanction of the Judicial Commissioner, prescribes in this behalf,

Power to distribute business.

and may also, with the like sanction, direct the business of the said Courts to be distributed among them in such way as he thinks fit:

provided that no Court shall try any suit where the amount or value of the subject-matter exceeds its proper jurisdiction.

Notwithstanding anything contained in the same Code, sections 26 and 172, plaints may be written and evidence may be taken down in such language or languages as the Chief Commissioner from time to time directs in this behalf.

Language of plaints and record of evidence.

(f). Civil Appeals.

21. Subject to any express provision to the contrary contained in any Act for the time being in force in British Burma, an appeal shall lie from the decrees and orders of the Courts of original civil jurisdiction in British Burma to the Courts empowered by this Act to hear appeals from such decrees and orders.

Appeals to lie from Courts of original jurisdiction.

All such appeals presented between the fifth day of April, 1872, and the passing of this Act, shall be deemed to have been presented under this section.

22. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Time allowed for presenting appeals to Commissioner.

23. The Chief Commissioner may direct that the civil appellate jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner, either wholly or in respect of a particular suit or class of suits, and either for a specified time or until further orders.

Transfer of civil appellate jurisdiction to Judicial Commissioner.

The Chief Commissioner may also at any time direct that any appellate jurisdiction which has been so transferred to the Judicial Commissioner shall revert to the Commissioner from whom it was so transferred.

24. The Appellate Court may confirm the decision of the Lower Court without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Confirmation of decision of Lower Court without summoning respondent.

25. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt, and refer it, with the Court's own opinion thereon, for the decision of the Judicial Commissioner.

Reference to Judicial Commissioner.

26. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made; and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity therewith.

Procedure on such reference.

The costs, if any, consequent on any such reference to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

Costs of reference.

27. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

When Judicial Commissioner may receive second appeal.

28. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a matter of fact, such decision shall be final.

When decision of first Appellate Court to be final.

29. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have made an incorrect ruling, and to submit it to the Judicial Commissioner, or to allow him to appeal on the same point to the Judicial Commissioner.

Reference to Judicial Commissioner when decision of Lower Court confirmed on certain points.

Such application or appeal shall not be admitted, unless it is made within the period prescribed by law for petitions of appeal. And if the statement is drawn up, or the appeal is allowed, the applicant shall be chargeable with the fee prescribed by law for petitions of appeal.

In the case of an application to draw up a statement, if the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall draw up a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Judicial Commissioner.

If the Court refuses to draw up such statement, it shall record in writing its reasons for so refusing, and a certified copy of such reasons shall, on application to the Court, be furnished to any party to the suit.

The costs of a statement drawn up under this section shall be costs in the cause. The costs of an application under this section to be allowed to appeal shall, if the appeal be allowed, be disposed of by the Court of appeal.

30. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred, as if it were an appeal instituted in his Court, except that it shall not be necessary for the parties to be present;

Procedure of Judicial Commissioner thereupon.

the Judicial Commissioner shall send a copy of his judgment to the Court by which the case was submitted, and the said Court shall dispose of the case in conformity with such judgment,

31. When the Judicial Commissioner entertains any doubt as to the decision to be passed on any appeal made or case referred under this Act, he may make a reference to the High Court, and shall send the record of the said appeal or case and all the proceedings connected therewith to the said Court.

Reference by Judicial Commissioner to High Court.

The procedure prescribed by section thirty shall *mutatis mutandis* be followed by the High Court in the disposal of references made under this section.

Procedure thereupon.

32. The costs, if any, consequent on such reference shall be disposed of by the Judicial Commissioner.

Provision as to costs.

33. For the trial of any civil appeal or reference under this Act, the Judicial Commissioner may constitute two or more persons assessors of his Court. Such persons shall attend during the trial and shall deliver their opinions in writing to be recorded on the proceedings. But the decision of the case shall rest with the Judicial Commissioner.

Assessors for trial of civil appeals and references.

No officer of the Judicial Commissioner's Court shall be appointed an assessor under this section.

34. In any case in which a Court of first appeal has, in the opinion of the Judicial Commissioner, wrongly refused to submit a statement or allow an appeal under section twenty-nine, the Judicial Commissioner may call for the record of the case, and may, on receipt of such record, proceed to try the case as if it were an appeal instituted in his own Court.

Power to call for record.

And in any case in which a Court of first appeal has submitted such a statement, but, in the opinion of the Judicial Commissioner, the statement is unduly limited, or justice cannot be done without re-hearing the case, the Judicial Commissioner may proceed to try the case as if it were an appeal instituted in his own Court.

The Judicial Commissioner shall send to the Court of first appeal a copy of his judgment in any case tried under this section, and the said Court shall dispose of the case in conformity with such judgment.

(g). Criminal Jurisdiction.

35. The Judicial Commissioner shall be deemed to have and to have had the powers of a High Court under the Code of Criminal Procedure in criminal matters in relation to all Courts in British Burma, except that of the Recorder of Rangoon, and except those of Magistrates within the local limits of the ordinary civil jurisdiction of the said Recorder:

Criminal jurisdiction—(a) of Judicial Commissioner,

The Commissioner shall be deemed to have and to have had the powers of a Sessions Judge:

(b) of Commissioner,

The Judge of the Town of Maulmain shall have the powers of a Sessions Judge.

(c) of Judge of Maulmain.

36. The Chief Commissioner may direct that the criminal jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner either wholly or in respect of a particular case or class of cases,

Power of Chief Commissioner to transfer criminal jurisdiction.

and either for a specified time or until further orders. The Chief Commissioner may also at any time direct that any jurisdiction so transferred shall revert to the Commissioner from whom it was transferred.

(h). Petitions to Judicial Commissioner when exercising transferred jurisdiction.

37. When the civil or criminal appellate jurisdiction of any Commissioner has, under section twenty-three or section thirty-six, been transferred to the Judicial Commissioner,

Application of Acts VII of 1870 and IX of 1871 to certain petitions to Judicial Commissioner.

(a) all petitions and other documents presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Court Fees Act, 1870, be deemed to have been presented to the Commissioner: and

(b) all appeals and applications presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Indian Limitation Act, 1871, be deemed to have been presented to him in the exercise of his ordinary jurisdiction.

(i). Appointment and removal of Officers.

38. The presiding officers of all the Courts under this Act, except that of the Extra Assistant Commissioner of the third class, shall be appointed by the Governor General in Council.

Appointment of officers.

Extra Assistant Commissioners of the third class shall be appointed and may be removed by the Chief Commissioner.

39. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

Suspension and removal of presiding officers.

The presiding officer of any such Court, except the Courts of the Judicial Commissioner and the Recorder of Rangoon, may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

40. The ministerial officers of the Courts of grades (a) and (b) mentioned in section six shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate.

Appointment of ministerial officers of Courts (a) and (b) mentioned in section 6.

The ministerial officers of all other Courts under this Act shall be appointed by the presiding officers thereof;

provided that the appointment of every ministerial officer of a Court subordinate to the Judicial Commissioner, whose monthly salary exceeds fifty rupees, shall be subject to the sanction of the Judicial Commissioner.

41. Every Court of the grades (a) and (b) mentioned in section six may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of misconduct or neglect in the performance of the duties of his office.

Power to fine, suspend, or remove such officers.

The Deputy Commissioner, subject to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order; and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of a Court subordinate to him.

The presiding officer of any of the Courts of grades (*c*), (*d*), (*e*) and (*f*) mentioned in section six, and of any Court of Small Causes, may remove or suspend the ministerial officers of his Court, or fine them in an amount not exceeding one month's salary; but in the case of Courts subordinate to the Judicial Commissioner, every such removal, suspension or fine shall be subject to review by him.

Recovery of fines.

42. Any fine imposed under this chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Chief Commissioner's control over appointments, &c., of ministerial officers.

43. The Chief Commissioner shall have a power of general control over all appointments and removals of ministerial officers under this Act.

(*k*). *Holidays.*

List of holidays.

44. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

Such list shall be published in the *British Burma Gazette*, and the days therein mentioned shall be observed accordingly.

CHAPTER IV.

OF THE COURT OF THE RECORDER OF RANGOON.

(*a*). *The Recorder.*

The Court of the Recorder of Rangoon.

45. There shall continue to be a Court, to be called the Court of the Recorder of Rangoon.

Appointment of Recorder.

The Recorder shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

Place of holding Court.

He shall hold his Court ordinarily in the Town of Rangoon; but the Chief Commissioner may direct him on any particular occasion to hold his Court at Maulmain, Akyab, or Bassein, for the trial of civil suits or appeals transferred to him, or of criminal cases in which European British subjects are concerned.

Seal to be used.

The Recorder shall use a seal of such form and dimensions as are for the time being prescribed in this behalf by the Chief Commissioner.

Provision for discharge of duties of Recorder in case of vacancy in his office.

46. Upon the occurrence of any vacancy in the office of Recorder of Rangoon, and during any absence of the Recorder, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Recorder; and the Judicial Commissioner or the Commissioner so directed shall thereupon be authorized to preside in the Court of the Recorder and to exercise the jurisdiction of the Recorder until some person has been appointed by the Governor General in Council to fill or officiate in the office of the Recorder, and has entered upon the discharge of the duties of such office, or until the Recorder resumes his duties.

(*b*). *Civil Jurisdiction.*

Local limits of ordinary civil jurisdiction of Recorder.

47. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the ordinary civil jurisdiction of the Recorder appointed under this Act; but the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, vary such limits.

Civil jurisdiction of Recorder.

48. The Court of the Recorder shall have jurisdiction in the adjudication of suits of every description, except those which are cognizable by a Court of Small Causes, if, in the case of immoveable property, the subject-matter of the suit is situate, or if, in all other cases, the cause of action or a material part thereof has arisen, or the defendant at the time of the commencement of the suit dwells, or either personally or by his servant or agent carries on business or works for gain, within the limits mentioned in section forty-seven.

A corporation or company having an office within such limits shall, when the cause of action, or a material part thereof, has arisen in British Burma, or in any foreign territory adjacent thereto, be deemed, for the purpose of this section, to carry on business at such office.

No appeal from Recorder's Court in certain cases.

49. There shall be no appeal from the decree or order of the Recorder passed in any original suit or proceeding where the amount or value of the subject-matter does not exceed three thousand rupees.

When appeal lies to High Court.

But where the amount or value of the suit or proceeding in the Recorder's Court exceeds three thousand rupees, and is less than ten thousand rupees, an appeal shall lie to the High Court: provided that the amount or value of the matter in dispute on appeal must exceed the former sum and be less than the latter.

Assessors in Civil suits.

50. For the trial of civil suits the Recorder may constitute one or more persons assessor or assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Recorder.

No officer of the Recorder's Court shall be appointed an assessor under this section.

Miscellaneous jurisdiction.

51. The Recorder shall within the local limits or of his ordinary civil jurisdiction, exercise the powers of a District Judge; and he shall also exercise the powers of a District Judge under Act No. IV of 1869 (*The Indian Divorce Act*) throughout British Burma.

Recorder's powers in respect of Small Cause Court, Rangoon.

52. The Recorder shall, in respect of the Court of Small Causes in Rangoon, exercise and perform the powers and duties of a High Court.

Grant of new trial.

53. The Recorder may, if he thinks fit, grant a new trial in any suit tried by him, if, in suits relating to land or other immoveable property, such new trial be applied for within three months from the date of the decision, and, in all other cases, if it be applied for within thirty days from the date of the decision.

Review of judgment.

Provided that nothing hereinbefore contained shall interfere with the power of the Recorder to allow a review of judgment under the Code of Civil Procedure, if such review be applied for within the period allowed for making such applications.

Security from applicant for either.

Provided also that, the Recorder may, if he thinks fit, before granting a new trial or a review, require the party applying for the same to give sufficient security for the due compliance with the terms of the decree or order which it is sought to set aside or review, or for the costs of the new trial or review.

Power to state case for decision of High Court.

54. If in any suit any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, arises, on which the Recorder entertains any doubt, he may, either of his own motion, or on the application of the parties to the suit or either of them, draw up a statement of the case, and refer such statement, with his own opinion, for the decision of the High Court.

Decree contingent thereon.

55. The Recorder may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the decision of the High Court on the point referred; but no execution shall be issued in any case in which a reference has been made to the High Court, until the receipt of its decision on such reference.

Full bench to deal with cases referred.

56. Cases referred under section fifty-four for the decision of the High Court shall be dealt with by a bench of two or more Judges of that Court.

Procedure on reference.

57. The parties to the case may appear and be heard in the High Court in person, or by an Advocate or Pleader; but they shall not be bound so to appear; and the High Court, when it has heard and considered the case, shall transmit a copy of its decision, under the seal of the Court and the signature of the proper officer, to the Recorder, who shall, on the receipt thereof, dispose of the case conformably to the decision of the High Court.

Costs of reference to High Court.

Costs, if any, consequent on the reference of a case for the decision of the High Court, shall be costs in the suit.

Transfer of suits to Recorder's Court.

58. The Chief Commissioner may direct the transfer to the Recorder's Court of any suit or appeal which may have been instituted in any other Court in British Burma.

Trial of such suits.

Every case so transferred shall be tried and determined by the Recorder in the same manner as if he had originally had jurisdiction in such case and it had been instituted in his Court.

Disposal of suit where Recorder is interested.

59. When any suit or proceeding comes before the Recorder of Rangoon, to or in which he is a party or personally interested, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Recorder to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Jurisdiction of Judicial Commissioner in cases transferred.

The Judicial Commissioner shall have the same jurisdiction in the adjudication of cases so transferred as the Recorder has in suits and proceedings cognizable by him under this Act, and the provisions of sections fifty-three to fifty-seven inclusive shall *mutatis mutandis* apply to such cases.

(*c*). *Criminal Jurisdiction.*

Recorder to exercise powers of Session Court.

60. The Recorder shall exercise the powers of a Court of Session, as defined in the Code of Criminal Procedure, within the local limits of his ordinary civil jurisdiction and (on the occasion and for the purpose mentioned in section forty-five, clause three) at Maulmain, Akyab and Bassein:

Provided that sentences of death passed by him as a Court of Session shall be subject to the confirmation of the Special Court.

For the purposes of section 64A of the Code of Criminal Procedure, the Court of the Recorder shall be deemed to be a High Court.

Power to revise proceedings of Magistrates.

61. The Recorder shall have all the powers of a High Court under the Code of Criminal Procedure in respect of the Magistrates within the local limits of his ordinary civil jurisdiction and the proceedings of such Magistrates.

Jurisdiction as to European British subjects and persons charged jointly with them.

62. The Recorder shall have the powers of a High Court under the Code of Criminal Procedure for the trial of, and otherwise with reference to, European British subjects and persons charged jointly with European British subjects;

and all commitments of European British subjects and of persons charged jointly with European British subjects, on charges of offences committed within British Burma, which would according to the law of Criminal Procedure for the time being in force be made to a High Court, shall be made to his Court.

Procedure.

63. The proceedings on trials held by the Recorder for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure:

Provided that European officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

Liability of Military officers to serve as jurors.

The officer commanding the station where the Recorder is about to hold a Court of Session shall, when required, send in to the Court a list containing the names of all officers so liable to serve.

List of officers liable to serve.

The summons to any such officer to serve as a juror shall be sent through the officer commanding the station; but no officer shall be excused from attendance, unless the officer commanding the station shall certify in writing to the Court that the presence of the officer summoned is required elsewhere on urgent military duty: and in such certificate the commanding officer shall supply the name of some other officer for service upon the jury.

Officer summoned not excusable except for urgent military duty.

64. Sentences of death passed in the exercise of the powers conferred by section sixty-two shall not be carried out without the confirmation of the High Court, to which such sentences shall be referred.

Sentence of death to be referred to High Court.

(d). Admiralty Jurisdiction.

65. Throughout British Burma, including the territorial waters thereof, the Recorder shall have and exercise all such civil jurisdiction and maritime jurisdiction of a civil nature as may now be exercised by the High Court as a Court of Admiralty or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize-causes and other maritime questions as may now be exercised by the said High Court.

Admiralty jurisdiction of Recorder.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be regulated, as far as may be, by the Code of Civil Procedure; and in all such cases to which the rules contained in the said Code are not applicable, the procedure shall be in accordance with the rules for the time applicable to like cases in the High Court.

An appeal shall lie to the High Court from any sentence or decree of the Recorder under this section subject to the laws, rules and orders for the time being in force regarding appeals to the High Court under the Code of Civil Procedure.

(e). Insolvent Jurisdiction.

66. Within the Towns of Rangoon, Maulmain Akyab and Bassein, the Recorder shall have and exercise such powers and authorities with respect to insolvent debtors and their creditors as are for the time being exercisable with respect to insolvent debtors and their creditors by the High Court or a Judge thereof, in Calcutta.

Insolvent jurisdiction of Recorder.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be, as far as may be practicable, in accordance with the procedure prescribed by the 11th & 12th of Victoria, chapter twenty-one.

The Recorder shall, with the previous sanction of the Chief Commissioner, appoint a person to be official assignee in all insolvencies to be prosecuted in the Court of the Recorder; and the provisions of the said Statute relating to official assignees shall, *mutatis mutandis*, apply to the assignee so appointed.

Every order made by the Recorder in the exercise of the jurisdiction conferred by this section shall have the same force throughout British India as if it had been made by the High Court or a Judge thereof,

and all the provisions of the said Statute relating to the persons or property of insolvents shall, *mutatis mutandis*, apply to insolvents applying for relief under this section.

Any person thinking himself aggrieved by any adjudication, order or proceeding of the Court of the Recorder under this section may present, within one month thereafter, a petition to the Special Court; and such Court shall enquire into the matter of the petition and make such order thereon as it thinks just, and such order shall be final and conclusive on all parties, and shall be binding on the Court of the Recorder.

The Recorder may, from time to time, with the previous sanction of the Chief Commissioner, make rules consistent with this Act for facilitating within his jurisdiction the relief intended to be hereby given; and such rules, on being published in the *British Burma Gazette*, shall have the force of law.

No conveyance, letter-of-attorney, or other instrument executed under any order of the Recorder in exercise of the jurisdiction conferred by this section, shall be chargeable with stamp-duty.

(f.) Rules, Forms and Registers.

67. The Recorder may—

(*a*) make and issue general rules for regulating the practice and procedure of his Court and the levy of costs in suits therein,

Power to make rules of practice.

(*b*) prescribe forms for every proceeding in his Court for which he thinks that a form should be provided, and

(*c*) from time to time alter any such rule or form.

The rules so made, and the forms so framed, shall be published in the *British Burma Gazette*, and after being so published shall be observed and used in the said Court:

Provided that such rules and forms shall be consistent with the Codes of Civil and Criminal Procedure and any other law for the time being in force in British Burma, and shall, before they are so published, have received the sanction of the Chief Commssioner.

68. The Recorder may, with the previous sanction of the Chief Commissioner, make, and from time to time alter, rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction; and may from time to time settle tables of fees to be allowed to the persons employed in such service or execution.

Rules for service and execution of process.

Table of fees.

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

Publication of rules and tables.

Rules heretofore made to regulate the service and execution of process under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmain in British Burma; and to establish Courts of Small Causes in the said Towns*), or Act No. III of 1866 (*to confer certain increased powers on the Registrars of the Recorders' Courts in British Burma and for other purposes*) and now in force shall continue in force until superseded by rules made under this Act.

Rules now in force.

69. The Recorder shall keep such registers and books and accounts, and submit to the Chief Commissioner such statements and returns as may, subject to the approval of the Governor General in Council, be prescribed by the Chief Commissioner.

Registers and returns.

The Recorder shall also comply with such requisitions for information as are made by the Chief Commissioner, and, generally, in matters not judicial, shall be subject to the control of the Chief Commissioner.

(g). Ministerial Officers.

70. The ministerial officers of the Court of the Recorder of Rangoon shall be appointed by the Recorder, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary; but the suspension or removal of any officer drawing a salary of one hundred rupees or upwards shall be subject to the orders of the Chief Commissioner.

Appointment and removal of ministerial officers.

(h.) Holidays.

71. The Recorder shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in his Court, and shall submit the same for the sanction of the Chief Commissioner.

Holidays and vacations.

Such list, when it has received such sanction, shall be published in the *British Burma Gazette*, and the said holidays and vacations shall be observed accordingly.

CHAPTER V.

OF THE SPECIAL COURT.

72. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Recorder of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court, during the hearing of any case, as an additional Judge. Such Commissioner shall record his opinion in the case, and in case of a difference of opinion, the opinion of the majority shall be the decision of the Court.

Constitution of Special Court.

When the Judicial Commissioner and Recorder sit together as a Special Court, the senior officer, according to priority of appointment, shall have the precedence in the Court so formed.

Precedence in Special Court.

73. The Special Court shall ordinarily be held in the Town of Rangoon; but the Chief Commissioner may direct it to be held at any other place in British Burma.

Place of holding Special Court.

The Special Court shall use a seal of such form and dimensions as the Chief Commissioner from time to time directs.

Seal to be used.

74. The Judicial Commissioner and the Recorder of Rangoon may from time to time, with the previous sanction of the Chief Commissioner—

Rules and fees for Special Court.

(*a*) make rules for regulating the times and places of the sittings of the Special Court, the reception of applications relating to appeals to such Court, and the distribution of business between the Judges composing it; provided that such rules are consistent with this Act and other laws for the time being in force in British Burma,

(*b*) make rules to regulate the service and execution of the process of the Special Court; and

(*c*) settle a table of fees to be allowed to persons employed in such service or execution.

Such rules and table shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

The Judicial Commissioner and Recorder may also appoint, suspend or remove the ministerial officers of the Special Court: Provided that the suspension or removal of any officer drawing a salary of one hundred rupees and upwards shall be subject to the orders of the Chief Commissioner.

Ministerial officers.

Provided also that in case the Judicial Commissioner and Recorder differ in opinion as to any matter mentioned in this section, such matter shall be referred to the Chief Commissioner, whose order thereon shall be final.

75. Appeals from orders and decrees passed by—

Appeals from certain orders of Judicial Commissioner and Judge of Maulmain.

(*a*) the Judicial Commissioner in the exercise of any jurisdiction transferred to him under section twenty-three, or

(*b*) the Judge of the Town of Maulmain in civil suits and proceedings,

shall, where an appeal is allowed by law, be heard and determined by the Special Court.

76. If in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the said Judicial Commissioner and Recorder shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case so pending.

Judicial Commissioner and Recorder may sit as Special Court at the request of either.

In case of difference of opinion, that of the Court which sought the opinion of the other shall prevail.

77. The Chief Commissioner may direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, shall be transferred to and tried before the Special Court.

Chief Commissioner may direct cases to be tried by Special Court.

78. Any decree or sentence passed by a Special Court as above constituted on a memorandum recorded under section seventy-six, or in a case tried under section seventy-seven, shall issue as, and be deemed to be, a decree or sentence of the Cour from which the case was referred to the Special Court.

Decree of Special Court to be deemed a decree of original Court.

79. With reference to all trials held by the Judicial Commissioner or the Recorder of Rangoon in the exercise of any original criminal jurisdiction (including jurisdiction transferred under section thirty-six), and to sentences passed on such trials, the Special Court shall be deemed to be, for the purposes of appeal and otherwise, a High Court:

Special Court to be deemed a High Court in certain criminal matters.

Provided that nothing in the former part of this section applies to sentences of death passed by the Recorder on European British subjects or on persons charged jointly with European British subjects.

80. Whenever, in cases tried by the Judicial Commissioner and Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the following rules shall be observed:—

Rules as to finding of Special Court in case of difference of opinion.

(*a*). In cases coming before the Special Court by way of appeal, and not being criminal cases, if the Judicial Commissioner and Recorder do not concur in a judgment varying the decision appealed from, such decision shall be upheld. Provided that if the difference of opinion arise as to some point of law, or custom having the force of law, or the admissibility of evidence or construction of a document affecting the merits of the case, and if either the Judicial Commissioner or the Recorder be of opinion that the point should be referred to the High Court, they shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

(*b*). In criminal cases and in cases not coming before the Special Court by way of appeal, the Judicial Commissioner and the Recorder shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

81. Where in any case a statement is forwarded under section eighty, the case shall be deemed to be pending in the Special Court until it is finally decided under the provisions hereinafter contained.

Case to be deemed pending.

82. The High Court shall proceed to decide any point stated under section eighty as if it were an appeal instituted in such Court, except that it shall not be necessary for the parties to appear either personally or by agent. A copy of the decision of the High Court shall be sent to the Special Court, and such Court shall proceed to dispose of the case conformably with that decision.

Procedure of High Court on reference.

The costs, if any, consequent on the statement under section eighty, of any case for the opinion of the High Court, shall be costs in the suit or appeal.

Costs of reference.

83. For the purposes of the Court Fees Act, 1870, the Special Court shall be deemed to be a High Court in the exercise of its jurisdiction as a Court of Appeal or as a Court of Reference, as the case may be.

Special Court to be deemed a High Court under Acts VII of 1870 and IX of 1871.

For the purposes of the Indian Limitation Act, 1871, appeals and applications to the Special Court shall be deemed to be, respectively, appeals and applications to a High Court under the Code of Civil Procedure or under the Code of Criminal Procedure, as the case may be.

CHAPTER VI.

OF ADVOCATES.

(*a*). *In the Court of the Recorder and the Courts subordinate to him.*

84. No person shall be permitted to appear, plead, or act as the Advocate of any suitor in the Court of the Recorder, or in any Court subordinate to him, unless such person has been licensed thereto by the Recorder, either generally or specially.

Licensing of Advocates.

The Recorder may make rules for the qualification and admission of proper persons to act as Advocates in such Courts, and may from time to time cancel, vary or add to, any such rules:

Rules regarding qualifications and admission.

Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf or on behalf of a co-suitor:

Saving of agent for Secretary of State, &c.

Provided also that any person, who for the time being is an Advocate, Vakíl, or Attorney-at-law of any of the High Courts of Judicature in India, shall be entitled, without any such license, to act as an Advocate for any suitor in the Court of the Recorder and the Courts subordinate to him.

Advocates, &c., of High Courts.

85. The Recorder may, for any sufficient reason, by order suspend or withdraw any license granted under section eighty-four.

License may be suspended or withdrawn.

Any person aggrieved by such order may appeal to the High Court, and for the purposes of the Limitation Act his appeal shall be deemed to be an appeal under the Code of Civil Procedure.

(*b*). *In the Court of the Judicial Commissioner and the Courts subordinate thereto.*

86. No person shall be permitted to appear, plead or act as the Advocate of any suitor, or of any appellant, complainant or accused person, in the Court of the Judicial Commissioner, or in any Court, whether civil or criminal, subordinate thereto,

Licensing of Advocates.

unless such person is licensed thereto by the Judicial Commissioner, either generally or specially.

The Judicial Commissioner may from time to time make rules—

Rules for their qualification and admission.

(*a*) for the qualification, admission and enrolment of proper persons to appear, plead or act as aforesaid; and

(*b*) for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

All such rules shall be published in the *British Burma Gazette*.

Any person appearing, pleading or acting in contravention of any such rule, shall be liable, by order of the Court, to a fine not exceeding five hundred rupees.

87. Notwithstanding anything contained in section eighty-six, or in any rule made thereunder,

Saving of agents of Government, suitors, co-suitors, and Advocates of High Courts.

any person may appear, plead or act as the agent for the Crown or for the Secretary of State for India in Council,

and any suitor may appear, plead or act on behalf of himself or a co-suitor;

and any person who for the time being is an Advocate, Vakíl or Attorney-at-law of any High Court may appear, plead or act as the Advocate of any suitor in the Court of the Judicial Commissioner or any Court subordinate thereto.

And nothing contained in section eighty-six, or in any rule made thereunder, shall be deemed to affect the second clause of section 186 of the Code of Criminal Procedure.

(*c*). *In the Special Court.*

88. All persons for the time being licensed to appear, plead or act in the Court of the Recorder or the Court of the Judicial Commissioner shall be also entitled to appear, plead or act (as the case may be) in the Special Court.

Persons entitled to appear, &c., in Special Court.

(*d.*) *Advocates' Fees.*

89. The fees to be received by any Advocate, for business done in any Court under this Act, shall at all times be subject to the control and taxation of the presiding Judge; and no such fees shall be recoverable unless they have been allowed on taxation by the said Judge, or such officer as he appoints in this behalf.

Fees liable to taxation.

CHAPTER VII.

MISCELLANEOUS.

90. The Judicial Commissioner may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

Power to make rules as to costs.

The Recorder of Rangoon may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

And the Special Court may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in such Court.

91. The Judicial Commissioner, the Recorder of Rangoon, and the Judges of the Special Court may respectively make rules to provide for—

Power to make rules for recording judgments, taking down evidence and admission of affidavits.

(*a*) the recording of their respective judgments, orders and sentences:

(*b*) the taking down in their respective Courts of the evidence of witnesses; and

(*c*) the admission in their respective Courts of affidavits as evidence of the matters to which such affidavits respectively relate.

And the Chief Commissioner, on being satisfied that such rules provide sufficiently for the matters to which they respectively refer, may exempt the Judicial Commissioner, the Recorder, or the Special Court (as the case may be) from the operation of such parts of the Code of Civil Procedure and the Code of Criminal Procedure as relate to the mode of recording judgments, orders and sentences and of taking down the evidence of witnesses, and may permit the admission of affidavits as evidence of the matters aforesaid.

Power to exempt from provisions of Procedure Codes relating to such subjects,

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92. If any assessor is appointed under section thirty-three or section fifty at the desire of the parties, or any of them, such parties or party shall deposit such sum as the Judicial Commissioner or Recorder, as the case may be, decides to be reasonable compensation to such assessor for his time and trouble. Such sum shall be recoverable as costs in the cause.

Remuneration to assessor appointed at desire of suitor.

93. Instead of the last paragraph of section seven of the Prisoners' Testimony Act, 1869, the following shall be read:—

Amendment of section 7, Act XV of 1869.

"For the purposes of this Act, every jail in British Burma shall be deemed to be situate within the local limits of the appellate jurisdiction of the Judicial Commissioner; and the Recorder of Rangoon may issue orders, under this section or sections three or four, and may also issue commissions under Part III of this Act, in any jail in British Burma."

94. Notwithstanding anything contained in Act No. XI of 1865, section fifteen, the Government of India shall have, and be deemed to have had, power from time to time to invest any person with the powers of a Judge of the Court of Small Causes in the Town of Rangoon, or elsewhere in British Burma, without specifying any time during which he shall exercise such powers. And all persons so invested shall be deemed to have been duly invested under the same section.

Powers of Small Cause Court Judge in Rangoon.

95. Notwithstanding any repeal effected by the Burma Courts Act, 1872, section five, the following Acts, namely,—

Saving of Acts XIX of 1841, XL of 1858, IX of 1861, as regards British Burma,

Act No. XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in case of successions*), and

Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*),

are hereby declared to be, and from the fifteenth day of January, 1863, to have been, in force throughout British Burma:

And Act No. XIV of 1859 (*to provide for the limitation of suits*) as amended by Act No. XIV of 1862, shall be deemed to have been in force throughout the Province of Pegu from the same day down to and including the thirty-first day of March 1873.

and of Act XIV of 1859 as regards Pegu.

96. The Judge of the Town of Maulmain shall, for the purposes of the European British Minors Act, 1874, sections two and eight, be deemed to be a Deputy Commissioner: provided that appeals from his orders under that Act shall lie to the Special Court.

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97. Save as otherwise provided by this Act, the Code of Civil Procedure shall be, and shall on and from the fifth day of April, 1872, be deemed to have been, in force throughout British Burma.

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98. The unrepealed parts of the following Regulations of the Bengal Code shall, *mutatis mutandis*, be deemed to extend to British Burma, namely:—

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Regulation V of 1799, section seven—Wills and Intestacies of Natives;

" V of 1817—Hidden treasure; and

" III of 1818—State Prisoners.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 2, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th September 1875, and is hereby promulgated for general information:—

ACT No. XVII OF 1875.

THE BURMA COURTS ACT, 1875.

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An Act to consolidate and amend the law relating to the Courts in British Burma, and for other purposes.

Whereas it is expedient to consolidate and amend the law relating to the Courts in British Burma, and to extend to that Province certain Regulations of the Bengal Code; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Burma Courts Act, 1875:"

Short title.

It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma;

Extent.

And it shall come into force on the passing thereof.

Commencement.

2. Acts No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*) and No. I of 1873 (*to amend the Burma Courts Act*, 1872) are repealed. But all rules made, directions given and powers conferred under either of the said Acts shall be deemed to have been respectively made, given and conferred hereunder.

Repeal of Acts.

And nothing herein contained shall render invalid the trials mentioned in section fourteen of the latter Act.

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

Interpretation-clause.

"Chief Commissioner" means the Chief Commissioner of British Burma:

"Chief Commissioner."

"High Court" means the High Court of Judicature at Fort William in Bengal; and

"High Court."

"Judicial Commissioner" means the Judicial Commissioner of British Burma.

"Judicial Commissioner."

CHAPTER II.

LAW TO BE ADMINISTERED.

4. Where, in any suit or proceeding, it is necessary for any Court under this Act to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

Certain decisions to be according to Native law.

the Buddhist law in cases where the parties are Buddhists,

the Muhammadan law in cases where the parties are Muhammadans, and

the Hindú law in cases where the parties are Hindús,

shall form the rule of decision, except in so far as such law has, by legislative enactment, been altered or abolished, or is opposed to any custom having the force of law in British Burma.

In cases not provided for by the former part of this section, or by any other law for the time being in force, the Court shall act according to justice, equity and good conscience.

5. Except as provided in section four, all questions arising in suits before the Recorder of Rangoon shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Law to be administered in Court of Recorder of Rangoon.

CHAPTER III.

OF THE COURT OF THE JUDICIAL COMMISSIONER AND THE COURTS SUBORDINATE THERETO.

(a). Grades of Courts.

6. Besides the Courts of Small Causes, the Court of the Recorder of Rangoon and the Special Court hereinafter mentioned, there shall be six grades of Civil Courts in British Burma, (namely) :—

Grades of Courts.

(*a*) the Court of the Extra Assistant Commissioner of the third class:

(*b*) the Courts of the Extra Assistant Commissioner of the second class, the Extra Assistant Commissioner of the first class, and the Assistant Commissioner:

(*c*) the Court of the Deputy Commissioner:

(*d*) the Court of the Judge of the Town of Maulmain:

(*e*) the Court of the Commissioner; and

(*f*) the Court of the Judicial Commissioner.

7. All existing Courts, corresponding to the Courts mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) of section six, and the presiding officers and the local limits of the jurisdiction thereof, respectively, shall be deemed to have been respectively established, appointed and fixed under this Act.

Confirmation of existing Courts and presiding officers.

(b). Number and local jurisdiction of Courts.

8. The Governor General in Council may from time to time vary the number of Courts of each grade established under this Act.

Power to vary number of Courts.

9. The Chief Commissioner may, with the previous sanction of the Governor General in Council, from time to time vary the local limits of the jurisdiction of any Court mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

Power to vary local jurisdiction of Courts of grades (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*).

10. Every such Court shall—

(*a*) be held at such place or places as may from time to time be directed by the Chief Commissioner; or, in the absence of any such direction, at any place within the local limits of the Court's jurisdiction which the presiding officer thinks fit, and

Place for holding Court.

(*b*) use a seal of such form and dimensions as are for the time being prescribed by the Chief Commissioner.

Seal to be used.

11. The general superintendence over all the Courts mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*) and (*e*) is vested in, and the said Courts shall be subordinate to, the Judicial Commissioner; and, subject to such general superintendence, the Commissioner shall control the Courts of the Deputy Commissioners within his Division; and the Deputy Commissioner shall control the Courts of grades (*a*) and (*b*) within his district.

Superintendence over Courts.

(c). Civil Jurisdiction.

12. The Courts mentioned in the first column of the subjoined table shall ordinarily have such civil jurisdiction respectively, for the adjudication of suits as is specified in the second column thereof:—

Civil jurisdiction of Courts.

Name and grade of Court.	Extent of jurisdiction.
(*a*). The Court of the Extra Assistant Commissioner of the third class.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed five hundred rupees.
(*b*). The Court of the Extra Assistant Commissioner of the second class, the Court of the Extra Assistant Commissioner of the first class, and the Court of the Assistant Commissioner.	Powers of a Civil Court where the amount or value of the subject-matter of the suit does not exceed three thousand rupees.
(*c*). The Court of the Deputy Commissioner.	Powers of a Civil Court in all suits, whatever be the amount or value of the subject-matter thereof. Powers of a District Judge. Power to hear appeals from decrees and orders in original suits and proceedings of the Courts of grades (*a*) and (*b*), where such appeal is allowed by law. Power to direct the business in the Courts of grades (*a*) and (*b*) to be distributed among such Courts in such way as he thinks fit.
(*d*). The Court of the Judge of the Town of Maulmain.	Powers of a District Judge. Powers of a Civil Court, whatever be the amount or value of the subject-matter of the suit. Powers of a Court of Small Causes, where the amount or value of the subject-matter of the suit does not exceed one thousand rupees.
(*e*). The Court of the Commissioner.	Power to withdraw any suit or appeal instituted in any Court within the local limits of his jurisdiction, except a Court of Small Causes or the Court of the Judge of the Town of Maulmain, and try such suit or appeal himself or refer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of grade (*c*), where such appeal is allowed by law.

Name and grade of Court.	Extent of jurisdiction.
(*f*). The Court of the Judicial Commissioner.	Powers of a High Court, in relation to all Courts in British Burma, including Small Cause Courts, except the Court of the Recorder of Rangoon, and the Court of Small Causes of Rangoon. Power to remove and try any suit, appeal or other proceeding instituted in any subordinate Court except a Court of Small Causes, or to refer it to any Court of competent jurisdiction as to the value or amount of the subject-matter thereof. Power to hear appeals from decrees and orders in original suits and proceedings of the Court of the Commissioner, where such appeal is allowed by law.

Provided that, where a Court of Small Causes is established within the local limits of the jurisdiction of any Court of the said grade (*a*), (*b*) or (*c*), such Court shall not take cognizance of any suit cognizable by the Court of Small Causes so established.

(d). Special Civil Jurisdiction.

13. The Chief Commissioner may invest any Assistant Commissioner, or Extra Assistant Commissioner of the first or second class, with power to try suits, the subject-matter of which does not exceed in amount or value five thousand rupees.

Chief Commissioner may give special jurisdiction.

14. The Chief Commissioner may invest any presiding officer of the Courts of grades (*a*) and (*b*) mentioned in section six with the powers of a Judge of a Court of Small Causes, to hear and determine suits of a nature cognizable by a Court of Small Causes, and the subject-matter of which is of such amount or value as the Chief Commissioner thinks fit, not exceeding five hundred rupees.

Chief Commissioner may invest certain Courts with powers of Judge of Court of Small Causes.

Any Court so invested shall, in the exercise of the powers so conferred, be governed by the provisions of the law for the time being in force regulating the procedure of Courts of Small Causes outside the towns of Calcutta, Madras and Bombay.

15. The Chief Commissioner may extend the jurisdiction of any Court of Small Causes to suits of a nature cognizable by such Courts of which the subject-matter does not exceed in amount or value one thousand rupees.

Power to extend Small Cause jurisdiction to Rs. 1,000.

16. The Chief Commissioner may empower the presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*) or (*e*), to exercise the powers which might be exercised by the presiding officer of any other Court of the same grade within the local limits of the jurisdiction of the latter Court.

Exercise by one Court within limits of another of same class, of powers of latter.

17. The Chief Commissioner may confer upon the officer in chief executive charge of any district the powers which might be exercised within such district by the Court of a Deputy Commissioner.

Power to confer powers of Deputy Commissioner's Court.

(e). Civil Procedure.

18. Where a suit is brought for immoveable property situate within the local limits of the jurisdictions of different Courts included in the same Division, application for authority to proceed with the same shall be made to the Commissioner of the Division.

Procedure when subject-matter of suit is situate within jurisdiction of different Courts.

If the said Courts belong to different Divisions, the application shall be made to the Judicial Commissioner through the Commissioner of the Division in which the Court wherein the suit was instituted is included.

If either of the said Courts is the Court of the Recorder of Rangoon, the application shall be made to the Special Court hereinafter mentioned.

19. No presiding officer of any Court mentioned in section six, clause (*a*), (*b*), (*c*), (*d*), (*e*) or (*f*) shall, unless with the consent of the parties, or by the direction of the Chief Commissioner, try any suit or appeal in which he is a party or personally interested, or any appeal against a decree or order passed by himself; or shall adjudicate upon any proceeding connected with, or arising out of, such suit or appeal:

Presiding officer of Court not to try suit or appeal in which he is interested;

When any such suit, appeal or proceeding comes before the presiding officer of any Court subordinate to the Judicial Commissioner, he shall forthwith, unless the parties apply that he proceed with the case himself, transmit the record to the Court to which he is immediately subordinate, with a report of the circumstances of such transmission:

but in case of Courts subordinate to Judicial Commissioner, to transfer to superior Court;

Such Court shall thereupon try the case itself, or transfer it for trial to any subordinate Court of competent jurisdiction as to the amount or value of the subject-matter.

Procedure thereon.

In the event of an appeal being preferred to the Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has any personal interest, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Judicial Commissioner to try the case himself, or transfer it to the Court of the Recorder of Rangoon.

Appeal to Judicial Commissioner from order passed by him in other capacity or in which he is interested.

20. Notwithstanding anything contained in the Code of Civil Procedure, section 6, every Deputy Commissioner may direct suits to be instituted in the Courts subordinate to him, according to such rules as to the description of the suits and the amount or value of their subject-matter as he from time to time, with the sanction of the Judicial Commissioner, prescribes in this behalf,

Power to distribute business.

and may also, with the like sanction, direct the business of the said Courts to be distributed among them in such way as he thinks fit:

provided that no Court shall try any suit where the amount or value of the subject-matter exceeds its proper jurisdiction.

Notwithstanding anything contained in the same Code, sections 26 and 172, plaints may be written and evidence may be taken down in such language or languages as the Chief Commissioner from time to time directs in this behalf.

Language of plaints and record of evidence.

(*f*). *Civil Appeals.*

21. Subject to any express provision to the contrary contained in any Act for the time being in force in British Burma, an appeal shall lie from the decrees and orders of the Courts of original civil jurisdiction in British Burma to the Courts empowered by this Act to hear appeals from such decrees and orders.

Appeals to lie from Courts of original jurisdiction.

All such appeals presented between the fifth day of April, 1872, and the passing of this Act, shall be deemed to have been presented under this section.

22. The memorandum of appeal must, when the appeal lies to the Commissioner, be presented within six weeks, the period being reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of such decision or order.

Time allowed for presenting appeals to Commissioner.

23. The Chief Commissioner may direct that the civil appellate jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner, either wholly or in respect of a particular suit or class of suits, and either for a specified time or until further orders.

Transfer of civil appellate jurisdiction to Judicial Commissioner.

The Chief Commissioner may also at any time direct that any appellate jurisdiction which has been so transferred to the Judicial Commissioner shall revert to the Commissioner from whom it was so transferred.

24. The Appellate Court may confirm the decision of the Lower Court without summoning the respondent, if upon perusal of the judgment of the Lower Court and of the petition of appeal in the presence of the appellant or his pleader, there appear to the Appellate Court to be no reason to alter the decision appealed from.

Confirmation of decision of Lower Court without summoning respondent.

25. When in the trial of any civil appeal the Appellate Court entertains a doubt in regard to a question of law or usage having the force of law, or as to the construction of a document, or as to the admissibility of any evidence affecting the merits of the case, such Court may draw up a statement of the point as to which it is in doubt, and refer it, with the Court's own opinion thereon, for the decision of the Judicial Commissioner.

Reference to Judicial Commissioner.

26. The Judicial Commissioner shall, after considering the point so referred, send a ruling thereon to the Court by which the reference was made; and such Court shall, on the receipt of such ruling, proceed to dispose of the case in conformity therewith.

Procedure on such reference.

The costs, if any, consequent on any such reference to the Judicial Commissioner, shall be costs in the appeal out of which the reference arose.

Costs of reference.

27. If in any suit the decision of the Deputy Commissioner or of the Commissioner, passed in appeal, reverse or modify the decision of the Court of original jurisdiction, the Judicial Commissioner may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the subordinate Courts, a further consideration of the case appears to him to be requisite for the ends of justice.

When Judicial Commissioner may receive second appeal.

28. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a matter of fact, such decision shall be final.

When decision of first Appellate Court to be final.

29. If the Court of first appeal confirms the decision of the Court of original jurisdiction on a question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence affecting the merits of the case, the party aggrieved by such decision may apply to such Court to draw up a statement of the point as to which he considers such Court to have made an incorrect ruling, and to submit it to the Judicial Commissioner, or to allow him to appeal on the same point to the Judicial Commissioner.

Reference to Judicial Commissioner when decision of Lower Court confirmed on certain points.

Such application or appeal shall not be admitted, unless it is made within the period prescribed by law for petitions of appeal. And if the statement is drawn up, or the appeal is allowed, the applicant shall be chargeable with the fee prescribed by law for petitions of appeal.

In the case of an application to draw up a statement, if the Court consider that there is a question of law or custom having the force of law, or as to the construction of a document or admissibility of evidence affecting the merits of the case, it shall draw up a statement of the same and of such facts only of the case as are necessary to explain it, and shall submit such statement, together with the record of the case, to the Judicial Commissioner.

If the Court refuses to draw up such statement, it shall record in writing its reasons for so refusing, and a certified copy of such reasons shall, on application to the Court, be furnished to any party to the suit.

The costs of a statement drawn up under this section shall be costs in the cause. The costs of an application under this section to be allowed to appeal shall, if the appeal be allowed, be disposed of by the Court of appeal.

30. The Judicial Commissioner shall, with as little delay as possible, proceed to try the case referred, as if it were an appeal instituted in his Court, except that it shall not be necessary for the parties to be present:

Procedure of Judicial Commissioner thereupon.

the Judicial Commissioner shall send a copy of his judgment to the Court by which the case was submitted, and the said Court shall dispose of the case in conformity with such judgment.

31. When the Judicial Commissioner entertains any doubt as to the decision to be passed on any appeal made or case referred under this Act, he may make a reference to the High Court, and shall send the record of the said appeal or case and all the proceedings connected therewith to the said Court.

Reference by Judicial Commissioner to High Court.

The procedure prescribed by section thirty shall *mutatis mutandis* be followed by the High Court in the disposal of references made under this section.

Procedure thereupon.

32. The costs, if any, consequent on such reference shall be disposed of by the Judicial Commissioner.

Provision as to costs.

33. For the trial of any civil appeal or reference under this Act, the Judicial Commissioner may constitute two or more persons assessors of his Court. Such persons shall attend during the trial and shall deliver their opinions in writing to be recorded on the proceedings. But the decision of the case shall rest with the Judicial Commissioner.

Assessors for trial of civil appeals and references.

No officer of the Judicial Commissioner's Court shall be appointed an assessor under this section.

34. In any case in which a Court of first appeal has, in the opinion of the Judicial Commissioner, wrongly refused to submit a statement or allow an appeal under section twenty-nine, the Judicial Commissioner may call for the record of the case, and may, on receipt of such record, proceed to try the case as if it were an appeal instituted in his own Court.

Power to call for record.

And in any case in which a Court of first appeal has submitted such a statement, but, in the opinion of the Judicial Commissioner, the statement is unduly limited, or justice cannot be done without re-hearing the case, the Judicial Commissioner may proceed to try the case as if it were an appeal instituted in his own Court.

The Judicial Commissioner shall send to the Court of first appeal a copy of his judgment in any case tried under this section, and the said Court shall dispose of the case in conformity with such judgment.

(*g*). *Criminal Jurisdiction.*

35. The Judicial Commissioner shall be deemed to have and to have had the powers of a High Court under the Code of Criminal Procedure in criminal matters in relation to all Courts in British Burma, except that of the Recorder of Rangoon, and except those of Magistrates within the local limits of the ordinary civil jurisdiction of the said Recorder:

Criminal jurisdiction—(*a*) of Judicial Commissioner,

The Commissioner shall be deemed to have and to have had the powers of a Sessions Judge:

(*b*) of Commissioner,

The Judge of the Town of Maulmain shall have the powers of a Sessions Judge.

(*c*) of Judge of Maulmain.

36. The Chief Commissioner may direct that the criminal jurisdiction of any Commissioner shall be transferred to the Judicial Commissioner either wholly or in respect of a particular case or class of cases, and either for a specified time or until further orders. The Chief Commissioner may also at any time direct that any jurisdiction so transferred shall revert to the Commissioner from whom it was transferred.

Power of Chief Commissioner to transfer criminal jurisdiction.

(*h*). *Petitions to Judicial Commissioner when exercising transferred jurisdiction.*

37. When the civil or criminal appellate jurisdiction of any Commissioner has, under section twenty-three or section thirty-six, been transferred to the Judicial Commissioner,

Application of Acts VII of 1870 and IX of 1871 to certain petitions to Judicial Commissioner.

(*a*) all petitions and other documents presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Court Fees Act, 1870, be deemed to have been presented to the Commissioner: and

(*b*) all appeals and applications presented to the Judicial Commissioner in the exercise of the jurisdiction so transferred shall, for the purposes of the Indian Limitation Act, 1871, be deemed to have been presented to him in the exercise of his ordinary jurisdiction.

(*i*). *Appointment and removal of Officers.*

38. The presiding officers of all the Courts under this Act, except that of the Extra Assistant Commissioner of the third class, shall be appointed by the Governor General in Council.

Appointment of officers.

Extra Assistant Commissioners of the third class shall be appointed and may be removed by the Chief Commissioner.

39. The presiding officer of any Court under this Act may, for any misconduct, be suspended or removed by the Governor General in Council.

Suspension and removal of presiding officers.

The presiding officer of any such Court, except the Courts of the Judicial Commissioner and the Recorder of Rangoon, may, for any misconduct, be suspended by the Chief Commissioner, but shall not be removed without the sanction of the Governor General in Council.

40. The ministerial officers of the Courts of grades (*a*) and (*b*) mentioned in section six shall be appointed by the Deputy Commissioner within whose local jurisdiction such Courts are situate.

Appointment of ministerial officers of Courts (*a*) and (*b*) mentioned in section 6.

The ministerial officers of all other Courts under this Act shall be appointed by the presiding officers thereof;

provided that the appointment of every ministerial officer of a Court subordinate to the Judicial Commissioner, whose monthly salary exceeds fifty rupees, shall be subject to the sanction of the Judicial Commissioner.

41. Every Court of the grades (*a*) and (*b*) mentioned in section six may fine in an amount not exceeding one month's salary any of its ministerial officers who is guilty of misconduct or neglect in the performance of the duties of his office.

Power to fine, suspend, or remove such officers.

The Deputy Commissioner, subject to the general control of the Commissioner, may on appeal or otherwise reverse or modify any such order; and may of his own motion remove, suspend from office, or fine up to the amount of one month's salary, any ministerial officer of a Court subordinate to him.

The presiding officer of any of the Courts of grades (*c*), (*d*), (*e*) and (*f*) mentioned in section six, and of any Court of Small Causes, may remove or suspend the ministerial officers of his Court, or fine them in an amount not exceeding one month's salary; but in the case of Courts subordinate to the Judicial Commissioner, every such removal, suspension or fine shall be subject to review by him.

Recovery of fines.

42. Any fine imposed under this chapter shall, if the order imposing it so directs, be recovered from the offender's salary.

Chief Commissioner's control over appointments, &c., of ministerial officers.

43. The Chief Commissioner shall have a power of general control over all appointments and removals of ministerial officers under this Act.

(k). Holidays.

List of holidays.

44. Subject to the orders of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as close holidays in his Court and the Courts subordinate to him.

Such list shall be published in the *British Burma Gazette*, and the days therein mentioned shall be observed accordingly.

CHAPTER IV.

OF THE COURT OF THE RECORDER OF RANGOON.

(a). The Recorder.

The Court of the Recorder of Rangoon.

45. There shall continue to be a Court, to be called the Court of the Recorder of Rangoon.

Appointment of Recorder.

The Recorder shall be appointed by the Governor General in Council, and shall be a Barrister of not less than five years' standing, and shall hold his office during the pleasure of the Governor General in Council.

Place of holding Court.

He shall hold his Court ordinarily in the Town of Rangoon; but the Chief Commissioner may direct him on any particular occasion to hold his Court at Maulmain, Akyab, or Bassein, for the trial of civil suits or appeals transferred to him, or of criminal cases in which European British subjects are concerned.

Seal to be used.

The Recorder shall use a seal of such form and dimensions as are for the time being prescribed in this behalf by the Chief Commissioner.

Provision for discharge of duties of Recorder in case of vacancy in his office.

46. Upon the occurrence of any vacancy in the office of Recorder of Rangoon, and during any absence of the Recorder, the Chief Commissioner may direct the Judicial Commissioner or any Commissioner to perform the duties of the Recorder; and the Judicial Commissioner or the Commissioner so directed shall thereupon be authorized to preside in the Court of the Recorder and to exercise the jurisdiction of the Recorder until some person has been appointed by the Governor General in Council to fill or officiate in the office of the Recorder, and has entered upon the discharge of the duties of such office, or until the Recorder resumes his duties.

(b). Civil Jurisdiction.

Local limits of ordinary civil jurisdiction of Recorder.

47. The present local limits of the jurisdiction of the Recorder of Rangoon shall be the local limits of the ordinary civil jurisdiction of the Recorder appointed under this Act; but the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, vary such limits.

Civil jurisdiction of Recorder.

48. The Court of the Recorder shall have jurisdiction in the adjudication of suits of every description, except those which are cognizable by a Court of Small Causes, if, in the case of immoveable property, the subject-matter of the suit is situate, or if, in all other cases, the cause of action or a material part thereof has arisen, or the defendant at the time of the commencement of the suit dwells, or either personally or by his servant or agent carries on business or works for gain, within the limits mentioned in section forty-seven.

A corporation or company having an office within such limits shall, when the cause of action, or a material part thereof, has arisen in British Burma, or in any foreign territory adjacent thereto, be deemed, for the purpose of this section, to carry on business at such office.

No appeal from Recorder's Court in certain cases.

49. There shall be no appeal from the decree or order of the Recorder passed in any original suit or proceeding where the amount or value of the subject-matter does not exceed three thousand rupees.

When appeal lies to High Court.

But where the amount or value of the suit or proceeding in the Recorder's Court exceeds three thousand rupees, and is less than ten thousand rupees, an appeal shall lie to the High Court: provided that the amount or value of the matter in dispute on appeal must exceed the former sum and be less than the latter.

Assessors in Civil suits.

50. For the trial of civil suits the Recorder may constitute one or more persons assessor or assessors of the Court. Such person or persons shall attend during the trial of the suit, and shall deliver his or their opinion or opinions in writing, to be recorded on the proceedings. But the decision of the case shall rest with the Recorder.

No officer of the Recorder's Court shall be appointed an assessor under this section.

Miscellaneous jurisdiction.

51. The Recorder shall within the local limits or of his ordinary civil jurisdiction, exercise the powers of a District Judge; and he shall also exercise the powers of a District Judge under Act No. IV of 1869 (*The Indian Divorce Act*) throughout British Burma.

Recorder's powers in respect of Small Cause Court, Rangoon.

52. The Recorder shall, in respect of the Court of Small Causes in Rangoon, exercise and perform the powers and duties of a High Court.

Grant of new trial.

53. The Recorder may, if he thinks fit, grant a new trial in any suit tried by him, if, in suits relating to land or other immoveable property, such new trial be applied for within three months from the date of the decision, and, in all other cases, if it be applied for within thirty days from the date of the decision.

Review of judgment.

Provided that nothing hereinbefore contained shall interfere with the power of the Recorder to allow a review of judgment under the Code of Civil Procedure, if such review be applied for within the period allowed for making such applications.

Security from applicant for either.

Provided also that, the Recorder may, if he thinks fit, before granting a new trial or a review, require the party applying for the same to give sufficient security for the due compliance with the terms of the decree or order which it is sought to set aside or review, or for the costs of the new trial or review.

Power to state case for decision of High Court.

54. If in any suit any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, arises, on which the Recorder entertains any doubt, he may, either of his own motion, or on the application of the parties to the suit or either of them, draw up a statement of the case, and refer such statement, with his own opinion, for the decision of the High Court.

Decree contingent thereon.

55. The Recorder may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the decision of the High Court on the point referred; but no execution shall be issued in any case in which a reference has been made to the High Court, until the receipt of its decision on such reference.

Full bench to deal with cases referred.

56. Cases referred under section fifty-four for the decision of the High Court shall be dealt with by a bench of two or more Judges of that Court.

Procedure on reference.

57. The parties to the case may appear and be heard in the High Court in person, or by an Advocate or Pleader; but they shall not be bound so to appear; and the High Court, when it has heard and considered the case, shall transmit a copy of its decision, under the seal of the Court and the signature of the proper officer, to the Recorder, who shall, on the receipt thereof, dispose of the case conformably to the decision of the High Court.

Costs of reference to High Court.

Costs, if any, consequent on the reference of a case for the decision of the High Court, shall be costs in the suit.

Transfer of suits to Recorder's Court.

58. The Chief Commissioner may direct the transfer to the Recorder's Court of any suit or appeal which may have been instituted in any other Court in British Burma.

Trial of such suits.

Every case so transferred shall be tried and determined by the Recorder in the same manner as if he had originally had jurisdiction in such case and it had been instituted in his Court.

Disposal of suit where Recorder is interested.

59. When any suit or proceeding comes before the Recorder of Rangoon, to or in which he is a party or personally interested, he shall, unless the parties apply that he proceed with the case himself, report the fact to the Chief Commissioner, who shall either direct the Recorder to try the case himself, or transfer it to the Court of the Judicial Commissioner.

Jurisdiction of Judicial Commissioner in cases transferred.

The Judicial Commissioner shall have the same jurisdiction in the adjudication of cases so transferred as the Recorder has in suits and proceedings cognizable by him under this Act, and the provisions of sections fifty-three to fifty-seven inclusive shall *mutatis mutandis* apply to such cases.

(c). Criminal Jurisdiction.

Recorder to exercise powers of Session Court.

60. The Recorder shall exercise the powers of a Court of Session, as defined in the Code of Criminal Procedure, within the local limits of his ordinary civil jurisdiction and (on the occasion and for the purpose mentioned in section forty-five, clause three) at Maulmain, Akyab and Bassein:

Provided that sentences of death passed by him as a Court of Session shall be subject to the confirmation of the Special Court.

For the purposes of section 64A of the Code of Criminal Procedure, the Court of the Recorder shall be deemed to be a High Court.

Power to revise proceedings of Magistrates.

61. The Recorder shall have all the powers of a High Court under the Code of Criminal Procedure in respect of the Magistrates within the local limits of his ordinary civil jurisdiction and the proceedings of such Magistrates.

Jurisdiction as to European British subjects and persons charged jointly with them.

62. The Recorder shall have the powers of a High Court under the Code of Criminal Procedure for the trial of, and otherwise with reference to, European British subjects and persons charged jointly with European British subjects;

and all commitments of European British subjects and of persons charged jointly with European British subjects, on charges of offences committed within British Burma, which would according to the law of Criminal Procedure for the time being in force be made to a High Court, shall be made to his Court.

Procedure.

63. The proceedings on trials held by the Recorder for the trial of European British subjects, shall be regulated by the Code of Criminal Procedure:

Provided that European officers in the Military Service, Commissioned and Non-Commissioned, resident within ten miles of the place of sitting of the Court, shall be liable to serve as jurors for the trial of European British subjects.

Liability of Military officers to serve as jurors.

The officer commanding the station where the Recorder is about to hold a Court of Session shall, when required, send in to the Court a list containing the names of all officers so liable to serve.

List of officers liable to serve.

The summons to any such officer to serve as a juror shall be sent through the officer commanding the station; but no officer shall be excused from attendance, unless the officer commanding the station shall certify in writing to the Court that the presence of the officer summoned is required elsewhere on urgent military duty: and in such certificate the commanding officer shall supply the name of some other officer for service upon the jury.

Officer summoned not excusable except for urgent military duty.

64. Sentences of death passed in the exercise of the powers conferred by section sixty-two shall not be carried out without the confirmation of the High Court, to which such sentences shall be referred.

Sentence of death to be referred to High Court.

(*d*). *Admiralty Jurisdiction.*

65. Throughout British Burma, including the territorial waters thereof, the Recorder shall have and exercise all such civil jurisdiction and maritime jurisdiction of a civil nature as may now be exercised by the High Court as a Court of Admiralty or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize-causes and other maritime questions as may now be exercised by the said High Court.

Admiralty jurisdiction of Recorder.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be regulated, as far as may be, by the Code of Civil Procedure; and in all such cases to which the rules contained in the said Code are not applicable, the procedure shall be in accordance with the rules for the time applicable to like cases in the High Court.

An appeal shall lie to the High Court from any sentence or decree of the Recorder under this section subject to the laws, rules and orders for the time being in force regarding appeals to the High Court under the Code of Civil Procedure.

(*e*). *Insolvent Jurisdiction.*

66. Within the Towns of Rangoon, Maulmain Akyab and Bassein, the Recorder shall have and exercise such powers and authorities with respect to insolvent debtors and their creditors as are for the time being exercisable with respect to insolvent debtors and their creditors by the High Court or a Judge thereof, in Calcutta.

Insolvent jurisdiction of Recorder.

The procedure in cases brought before the Recorder in the exercise of such jurisdiction shall be, as far as may be practicable, in accordance with the procedure prescribed by the 11th & 12th of Victoria, chapter twenty-one.

The Recorder shall, with the previous sanction of the Chief Commissioner, appoint a person to be official assignee in all insolvencies to be prosecuted in the Court of the Recorder; and the provisions of the said Statute relating to official assignees shall, *mutatis mutandis*, apply to the assignee so appointed.

Every order made by the Recorder in the exercise of the jurisdiction conferred by this section shall have the same force throughout British India as if it had been made by the High Court or a Judge thereof,

and all the provisions of the said Statute relating to the persons or property of insolvents shall, *mutatis mutandis*, apply to insolvents applying for relief under this section.

Any person thinking himself aggrieved by any adjudication, order or proceeding of the Court of the Recorder under this section may present, within one month thereafter, a petition to the Special Court; and such Court shall enquire into the matter of the petition and make such order thereon as it thinks just, and such order shall be final and conclusive on all parties, and shall be binding on the Court of the Recorder.

The Recorder may, from time to time, with the previous sanction of the Chief Commissioner, make rules consistent with this Act for facilitating within his jurisdiction the relief intended to be hereby given; and such rules, on being published in the *British Burma Gazette*, shall have the force of law.

No conveyance, letter-of-attorney, or other instrument executed under any order of the Recorder in exercise of the jurisdiction conferred by this section, shall be chargeable with stamp-duty.

(*f*.) *Rules, Forms and Registers.*

67. The Recorder may—

(*a*) make and issue general rules for regulating the practice and procedure of his Court and the levy of costs in suits therein,

Power to make rules of practice.

(*b*) prescribe forms for every proceeding in his Court for which he thinks that a form should be provided, and

(*c*) from time to time alter any such rule or form.

The rules so made, and the forms so framed, shall be published in the *British Burma Gazette*, and after being so published shall be observed and used in the said Court:

Provided that such rules and forms shall be consistent with the Codes of Civil and Criminal Procedure and any other law for the time being in force in British Burma, and shall, before they are so published, have received the sanction of the Chief Commssioner.

68. The Recorder may, with the previous sanction of the Chief Commissioner, make, and from time to time alter, rules to regulate the service and execution of the processes of his Court within the local limits of his jurisdiction; and may from time to time settle tables of fees to be allowed to the persons employed in such service or execution.

Rules for service and execution of process.

Table of fees.

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

Publication of rules and tables.

Rules heretofore made to regulate the service and execution of process under Act No. XXI of 1863 (*to constitute Recorders' Courts for the Towns of Akyab, Rangoon and Maulmain in British Burma; and to establish Courts of Small Causes in the said Towns*), or Act No. III of 1866 (*to confer certain increased powers on the Registrars of the Recorders' Courts in British Burma and for other purposes*) and now in force shall continue in force until superseded by rules made under this Act.

Rules now in force.

69. The Recorder shall keep such registers and books and accounts, and submit to the Chief Commissioner such statements and returns as may, subject to the approval of the Governor General in Council, be prescribed by the Chief Commissioner.

Registers and returns.

The Recorder shall also comply with such requisitions for information as are made by the Chief Commissioner, and, generally, in matters not judicial, shall be subject to the control of the Chief Commissioner.

(*g*). *Ministerial Officers.*

70. The ministerial officers of the Court of the Recorder of Rangoon shall be appointed by the Recorder, who may also remove or suspend them, or fine them in an amount not exceeding one month's salary; but the suspension or removal of any officer drawing a salary of one hundred rupees or upwards shall be subject to the orders of the Chief Commissioner.

Appointment and removal of ministerial officers.

(*h*.) *Holidays.*

71. The Recorder shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in his Court, and shall submit the same for the sanction of the Chief Commissioner.

Holidays and vacations.

Such list, when it has received such sanction, shall be published in the *British Burma Gazette*, and the said holidays and vacations shall be observed accordingly.

CHAPTER V.

OF THE SPECIAL COURT.

72. The Special Court under this Act shall ordinarily be constituted by the Judicial Commissioner and the Recorder of Rangoon sitting together; but the Chief Commissioner may direct any Commissioner to sit in the Court, during the hearing of any case, as an additional Judge. Such Commissioner shall record his opinion in the case, and in case of a difference of opinion, the opinion of the majority shall be the decision of the Court.

Constitution of Special Court.

When the Judicial Commissioner and Recorder sit together as a Special Court, the senior officer, according to priority of appointment, shall have the precedence in the Court so formed.

Precedence in Special Court.

73. The Special Court shall ordinarily be held in the Town of Rangoon; but the Chief Commissioner may direct it to be held at any other place in British Burma.

Place of holding Special Court.

The Special Court shall use a seal of such form and dimensions as the Chief Commissioner from time to time directs.

Seal to be used.

74. The Judicial Commissioner and the Recorder of Rangoon may from time to time, with the previous sanction of the Chief Commissioner—

Rules and fees for Special Court.

(*a*) make rules for regulating the times and places of the sittings of the Special Court, the reception of applications relating to appeals to such Court, and the distribution of business between the Judges composing it; provided that such rules are consistent with this Act and other laws for the time being in force in British Burma,

(*b*) make rules to regulate the service and execution of the process of the Special Court; and

(*c*) settle a table of fees to be allowed to persons employed in such service or execution.

Such rules and table shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

The Judicial Commissioner and Recorder may also appoint, suspend or remove the ministerial officers of the Special Court: Provided that the suspension or removal of any officer drawing a salary of one hundred rupees and upwards shall be subject to the orders of the Chief Commissioner.

Ministerial officers.

Provided also that in case the Judicial Commissioner and Recorder differ in opinion as to any matter mentioned in this section, such matter shall be referred to the Chief Commissioner, whose order thereon shall be final.

75. Appeals from orders and decrees passed by—

Appeals from certain orders of Judicial Commissioner and Judge of Maulmain.

(*a*) the Judicial Commissioner in the exercise of any jurisdiction transferred to him under section twenty-three, or

(*b*) the Judge of the Town of Maulmain in civil suits and proceedings,

shall, where an appeal is allowed by law, be heard and determined by the Special Court.

76. If in any civil suit or appeal, or in any criminal case or appeal pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, the one Court wishes to obtain the opinion of the other on any question of fact or law, or usage having the force of law, or the construction of a document, or wishes to obtain the assistance of the other for the determination of the case pending before it, such Court shall record a memorandum to that effect; and after the receipt of a copy of such memorandum by the other Court, the said Judicial Commissioner and Recorder shall sit together as soon as may be convenient, and shall form a Special Court for the disposal of the said question or for the determination of the case so pending.

Judicial Commissioner and Recorder may sit as Special Court at the request of either.

In case of difference of opinion, that of the Court which sought the opinion of the other shall prevail.

77. The Chief Commissioner may direct that any civil suit or appeal, or any criminal case or appeal, pending in the Court of the Judicial Commissioner or in the Court of the Recorder of Rangoon, shall be transferred to and tried before the Special Court.

Chief Commissioner may direct cases to be tried by Special Court.

78. Any decree or sentence passed by a Special Court as above constituted on a memorandum recorded under section seventy-six, or in a case tried under section seventy-seven, shall issue as, and be deemed to be, a decree or sentence of the Cour from which the case was referred to the Special Court.

Decree of Special Court to be deemed a decree of original Court.

79. With reference to all trials held by the Judicial Commissioner or the Recorder of Rangoon in the exercise of any original criminal jurisdiction (including jurisdiction transferred under section thirty-six), and to sentences passed on such trials, the Special Court shall be deemed to be, for the purposes of appeal and otherwise, a High Court:

Special Court to be deemed a High Court in certain criminal matters.

Provided that nothing in the former part of this section applies to sentences of death passed by the Recorder on European British subjects or on persons charged jointly with European British subjects.

80. Whenever, in cases tried by the Judicial Commissioner and Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the following rules shall be observed:—

Rules as to finding of Special Court in case of difference of opinion.

(*a*). In cases coming before the Special Court by way of appeal, and not being criminal cases, if the Judicial Commissioner and Recorder do not concur in a judgment varying the decision appealed from, such decision shall be upheld. Provided that if the difference of opinion arise as to some point of law, or custom having the force of law, or the admissibility of evidence or construction of a document affecting the merits of the case, and if either the Judicial Commissioner or the Recorder be of opinion that the point should be referred to the High Court, they shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

(*b*). In criminal cases and in cases not coming before the Special Court by way of appeal, the Judicial Commissioner and the Recorder shall state the point as to which they differ, and forward such statement, with their respective opinions thereon, to the High Court.

81. Where in any case a statement is forwarded under section eighty, the case shall be deemed to be pending in the Special Court until it is finally decided under the provisions hereinafter contained.

Case to be deemed pending.

82. The High Court shall proceed to decide any point stated under section eighty as if it were an appeal instituted in such Court, except that it shall not be necessary for the parties to appear either personally or by agent. A copy of the decision of the High Court shall be sent to the Special Court, and such Court shall proceed to dispose of the case conformably with that decision.

Procedure of High Court on reference.

The costs, if any, consequent on the statement under section eighty, of any case for the opinion of the High Court, shall be costs in the suit or appeal.

Costs of reference.

83. For the purposes of the Court Fees Act, 1870, the Special Court shall be deemed to be a High Court in the exercise of its jurisdiction as a Court of Appeal or as a Court of Reference, as the case may be.

Special Court to be deemed a High Court under Acts VII of 1870 and IX of 1871.

For the purposes of the Indian Limitation Act, 1871, appeals and applications to the Special Court shall be deemed to be, respectively, appeals and applications to a High Court under the Code of Civil Procedure or under the Code of Criminal Procedure, as the case may be.

CHAPTER VI.

OF ADVOCATES.

(*a*). *In the Court of the Recorder and the Courts subordinate to him.*

84. No person shall be permitted to appear, plead, or act as the Advocate of any suitor in the Court of the Recorder, or in any Court subordinate to him, unless such person has been licensed thereto by the Recorder, either generally or specially.

Licensing of Advocates.

The Recorder may make rules for the qualification and admission of proper persons to act as Advocates in such Courts, and may from time to time cancel, vary or add to, any such rules:

Rules regarding qualifications and admission.

Provided that nothing in this section contained shall be deemed to prevent any person from appearing or acting as the agent for the Secretary of State for India in Council, or to prevent any suitor from appearing, pleading, or acting on his own behalf or on behalf of a co-suitor:

Saving of agent for Secretary of State, &c.

Provided also that any person, who for the time being is an Advocate, Vakíl, or Attorney-at-law of any of the High Courts of Judicature in India, shall be entitled, without any such license, to act as an Advocate for any suitor in the Court of the Recorder and the Courts subordinate to him.

Advocates, &c., of High Courts.

85. The Recorder may, for any sufficient reason, by order suspend or withdraw any license granted under section eighty-four.

License may be suspended or withdrawn.

Any person aggrieved by such order may appeal to the High Court, and for the purposes of the Limitation Act his appeal shall be deemed to be an appeal under the Code of Civil Procedure.

(*b*). *In the Court of the Judicial Commissioner and the Courts subordinate thereto.*

86. No person shall be permitted to appear, plead or act as the Advocate of any suitor, or of any appellant, complainant or accused person, in the Court of the Judicial Commissioner, or in any Court, whether civil or criminal, subordinate thereto,

Licensing of Advocates.

unless such person is licensed thereto by the Judicial Commissioner, either generally or specially.

The Judicial Commissioner may from time to time make rules—

Rules for their qualification and admission.

(*a*) for the qualification, admission and enrolment of proper persons to appear, plead or act as aforesaid; and

(*b*) for the suspension or dismissal of any such persons who are guilty of fraudulent or grossly improper conduct.

All such rules shall be published in the *British Burma Gazette*.

Any person appearing, pleading or acting in contravention of any such rule, shall be liable, by order of the Court, to a fine not exceeding five hundred rupees.

87. Notwithstanding anything contained in section eighty-six, or in any rule made thereunder,

Saving of agents of Government, suitors, co-suitors, and Advocates of High Courts.

any person may appear, plead or act as the agent for the Crown or for the Secretary of State for India in Council,

and any suitor may appear, plead or act on behalf of himself or a co-suitor;

and any person who for the time being is an Advocate, Vakíl or Attorney-at-law of any High Court may appear, plead or act as the Advocate of any suitor in the Court of the Judicial Commissioner or any Court subordinate thereto.

And nothing contained in section eighty-six, or in any rule made thereunder, shall be deemed to affect the second clause of section 186 of the Code of Criminal Procedure.

(*c*). *In the Special Court.*

88. All persons for the time being licensed to appear, plead or act in the Court of the Recorder or the Court of the Judicial Commissioner shall be also entitled to appear, plead or act (as the case may be) in the Special Court.

Persons entitled to appear, &c., in Special Court.

(*d.*) *Advocates' Fees.*

89. The fees to be received by any Advocate, for business done in any Court under this Act, shall at all times be subject to the control and taxation of the presiding Judge; and no such fees shall be recoverable unless they have been allowed on taxation by the said Judge, or such officer as he appoints in this behalf.

Fees liable to taxation.

CHAPTER VII.

MISCELLANEOUS.

90. The Judicial Commissioner may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

Power to make rules as to costs.

The Recorder of Rangoon may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in his own Court and in Courts subordinate to him.

And the Special Court may from time to time make rules regulating the fees payable to practitioners and the control and taxation of costs in such Court.

91. The Judicial Commissioner, the Recorder of Rangoon, and the Judges of the Special Court may respectively make rules to provide for—

Power to make rules for recording judgments, taking down evidence and admission of affidavits.

(*a*) the recording of their respective judgments, orders and sentences:

(*b*) the taking down in their respective Courts of the evidence of witnesses; and

(*c*) the admission in their respective Courts of affidavits as evidence of the matters to which such affidavits respectively relate.

And the Chief Commissioner, on being satisfied that such rules provide sufficiently for the matters to which they respectively refer, may exempt the Judicial Commissioner, the Recorder, or the Special Court (as the case may be) from the operation of such parts of the Code of Civil Procedure and the Code of Criminal Procedure as relate to the mode of recording judgments, orders and sentences and of taking down the evidence of witnesses, and may permit the admission of affidavits as evidence of the matters aforesaid.

Power to exempt from provisions of Procedure Codes relating to such subjects, and to permit admission of affidavits.

92. If any assessor is appointed under section thirty-three or section fifty at the desire of the parties, or any of them, such parties or party shall deposit such sum as the Judicial Commissioner or Recorder, as the case may be, decides to be reasonable compensation to such assessor for his time and trouble. Such sum shall be recoverable as costs in the cause.

Remuneration to assessor appointed at desire of suitor.

93. Instead of the last paragraph of section seven of the Prisoners' Testimony Act, 1869, the following shall be read:—

Amendment of section 7, Act XV of 1869.

"For the purposes of this Act, every jail in British Burma shall be deemed to be situate within the local limits of the appellate jurisdiction of the Judicial Commissioner; and the Recorder of Rangoon may issue orders, under this section or sections three or four, and may also issue commissions under Part III of this Act, in any jail in British Burma."

94. Notwithstanding anything contained in Act No. XI of 1865, section fifteen, the Government of India shall have, and be deemed to have had, power from time to time to invest any person with the powers of a Judge of the Court of Small Causes in the Town of Rangoon, or elsewhere in British Burma, without specifying any time during which he shall exercise such powers. And all persons so invested shall be deemed to have been duly invested under the same section.

Powers of Small Cause Court Judge in Rangoon.

95. Notwithstanding any repeal effected by the Burma Courts Act, 1872, section five, the following Acts, namely,—

Saving of Acts XIX of 1841, XL of 1858, IX of 1861, as regards British Burma.

Act No. XIX of 1841 (*for the protection of moveable and immoveable property against wrongful possession in case of successions*), and

Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*),

are hereby declared to be, and from the fifteenth day of January, 1863, to have been, in force throughout British Burma:

And Act No. XIV of 1859 (*to provide for the limitation of suits*) as amended by Act No. XIV of 1862, shall be deemed to have been in force throughout the Province of Pegu from the same day down to and including the thirty-first day of March 1873.

Act XIV of 1859 as regards Pegu.

96. The Judge of the Town of Maulmain shall, for the purposes of the European British Minors Act, 1874, sections two and eight, be deemed to be a Deputy Commissioner: provided that appeals from his orders under that Act shall lie to the Special Court.

Application of Act No. XIII of 1874.

97. Save as otherwise provided by this Act, the Code of Civil Procedure shall be, and shall on and from the fifth day of April, 1872, be deemed to have been, in force throughout British Burma.

Civil Procedure Code applied to British Burma.

98. The unrepealed parts of the following Regulations of the Bengal Code shall, *mutatis mutandis*, be deemed to extend to British Burma, namely:—

Regulations extended to British Burma.

Regulation V of 1799, section seven—Wills and Intestacies of Natives;

„ V of 1817—Hidden treasure; and

„ III of 1818—State Prisoners.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 16, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and is hereby promulgated for general information:—

ACT No. XVIII OF 1875.

An Act for the improvement of Law Reports.

Whereas it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality: And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the 24th & 25th of Victoria, Chapter 104; It is hereby enacted as follows:—

Preamble.

1. This Act may be called "The Indian Law Reports Act, 1875:"

Short title.

It extends to the whole of British India;

Local extent.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

Commencement.

2. Act No. II of 1875 (*to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority*) is hereby repealed.

Act II of 1875 repealed.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority given only to authorized reports.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

Authority of judicial decisions.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and is hereby promulgated for general information:—

ACT No. XIX OF 1875.

An Act to provide an appeal from certain decrees of the Chief Court of the Panjáb, and for other purposes.

Whereas it is expedient to give a right of appeal from certain decrees and orders of the Chief Court of the Panjáb, and to enable the appellate Court to remand suits and order retrials, and to empower Judges of the said Chief Court to make references as to points of law; It is hereby enacted as follows:—

Preamble.

1. Subject to the provisions hereinafter contained, an appeal shall lie to the said Chief Court from any decree or order (not being an order made in any criminal

Appeal from decrees in exercise of original jurisdiction.

trial) made in the exercise of original jurisdiction either by one Judge of the said Chief Court, or by a Bench of two Judges of the same Court, unless such Judges concur in the judgment.

When a suit is heard by a Bench of two Judges exercising original jurisdiction, the judgment of the senior Judge shall be the judgment of the Bench, and the decree or order shall follow thereupon, and any appeal therefrom shall be heard by a Full Bench.

If the decree or order appealed from was made by a single Judge, the appeal shall be heard either by the two other Judges of the said Chief Court or by a Full Bench, as the Court may determine, either by rule made under Act No. IV of 1866, section 43, or, in the absence of such rule, by order in the particular case.

When the appeal is heard by two Judges, and they do not concur in varying the decree or order appealed from, such decree or order shall be taken as the final decree or order of the said Chief Court, unless such Court orders (as it is hereby empowered to do) the appeal to be re-heard before the Full Bench.

Time for presenting such appeals.

2. Every appeal under this Act must be presented within thirty days from the date of the decree or order appealed against.

But if the period of limitation so prescribed expires on a day when the Court is closed, the appeal may be presented on the day that the Court re-opens.

Admission after period has expired.

3. Any such appeal may be admitted after the period of limitation so prescribed when the appellant satisfies the Court that he had sufficient cause for not presenting it within such period; and in the case of any decree against which the Chief Court has declared an appeal to Her Majesty in Council to be admitted under Act No. VI of 1874, the non-existence of this Act shall be deemed to be sufficient cause within the meaning of this section: provided that the copy of the record has not been transmitted to Her Majesty in Council.

Computation of period.

4. In computing such period, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

Power to remand or order new trial.

5. When an appeal under this Act has been heard, the appellate Court may remand the suit in accordance either with section 371 or section 374 of the Code of Civil Procedure, or may order that the case be tried again either by a Full Bench or by the Court that has already tried it.

Power to make reference on points of law.

6. A single Judge, or a Bench of two Judges (whether exercising original or appellate jurisdiction), may refer for the decision of a Full Bench any question of law arising in any suit or on any appeal before such Judge or Bench of two Judges; and the Judge or Bench making the reference shall dispose of the case conformably to the decision of the Full Bench of the question so referred.

Difference among Judges forming Full Bench.

7. In case of a difference of opinion among the Judges forming the Full Bench as to the decision to be given on any question coming before them under any provision of this Act, such question shall be decided according to the opinion of the majority of such Judges.

This Act to be read with Act IV of 1866.

8. This Act shall be read with, and taken as part of, the Panjáb Chief Court Act, 1866.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 23, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and is hereby promulgated for general information:—

ACT No. XVIII OF 1875.

An Act for the improvement of Law Reports.

Whereas it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality: And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the 24th & 25th of Victoria, Chapter 104; It is hereby enacted as follows:—

Preamble.

Short title.

1. This Act may be called "The Indian Law Reports Act, 1875:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

Act II of 1875 repealed.

2. Act No. II of 1875 (*to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority*) is hereby repealed.

Authority given only to authorized reports.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority of judicial decisions.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and is hereby promulgated for general information:—

ACT No. XIX OF 1875.

An Act to provide an appeal from certain decrees of the Chief Court of the Panjáb, and for other purposes.

Whereas it is expedient to give a right of appeal from certain decrees and orders of the Chief Court of the Panjáb, and to enable the appellate Court to remand suits and order retrials, and to empower Judges of the said Chief Court to make references as to points of law; It is hereby enacted as follows:—

Preamble.

Appeal from decrees in exercise of original jurisdiction.

1. Subject to the provisions hereinafter contained, an appeal shall lie to the said Chief Court from any decree or order (not being an order made in any criminal

trial) made in the exercise of original jurisdiction either by one Judge of the said Chief Court, or by a Bench of two Judges of the same Court, unless such Judges concur in the judgment.

When a suit is heard by a Bench of two Judges exercising original jurisdiction, the judgment of the senior Judge shall be the judgment of the Bench, and the decree or order shall follow thereupon, and any appeal therefrom shall be heard by a Full Bench.

If the decree or order appealed from was made by a single Judge, the appeal shall be heard either by the two other Judges of the said Chief Court or by a Full Bench, as the Court may determine, either by rule made under Act No. IV of 1866, section 43, or, in the absence of such rule, by order in the particular case.

When the appeal is heard by two Judges, and they do not concur in varying the decree or order appealed from, such decree or order shall be taken as the final decree or order of the said Chief Court, unless such Court orders (as it is hereby empowered to do) the appeal to be re-heard before the Full Bench.

Time for presenting such appeals.

2. Every appeal under this Act must be presented within thirty days from the date of the decree or order appealed against.

But if the period of limitation so prescribed expires on a day when the Court is closed, the appeal may be presented on the day that the Court re-opens.

Admission after period has expired.

3. Any such appeal may be admitted after the period of limitation so prescribed when the appellant satisfies the Court that he had sufficient cause for not presenting it within such period; and in the case of any decree against which the Chief Court has declared an appeal to Her Majesty in Council to be admitted under Act No. VI of 1874, the non-existence of this Act shall be deemed to be sufficient cause within the meaning of this section: provided that the copy of the record has not been transmitted to Her Majesty in Council.

Computation of period.

4. In computing such period, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

Power to remand or order new trial.

5. When an appeal under this Act has been heard, the appellate Court may remand the suit in accordance either with section 371 or section 374 of the Code of Civil Procedure, or may order that the case be tried again either by a Full Bench or by the Court that has already tried it.

Power to make reference on points of law.

6. A single Judge, or a Bench of two Judges (whether exercising original or appellate jurisdiction), may refer for the decision of a Full Bench any question of law arising in any suit or on any appeal before such Judge or Bench of two Judges; and the Judge or Bench making the reference shall dispose of the case conformably to the decision of the Full Bench of the question so referred.

Difference among Judges forming Full Bench.

7. In case of a difference of opinion among the Judges forming the Full Bench as to the decision to be given on any question coming before them under any provision of this Act, such question shall be decided according to the opinion of the majority of such Judges.

This Act to be read with Act IV of 1866.

8. This Act shall be read with, and taken as part of, the Panjáb Chief Court Act, 1866.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

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SIMLA, SATURDAY, OCTOBER 30, 1875.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and is hereby promulgated for general information:—

ACT No. XVIII OF 1875.

An Act for the improvement of Law Reports.

Preamble.

Whereas it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality: And whereas with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the 24th & 25th of Victoria, Chapter 104; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Law Reports Act, 1875:"

Local extent.

It extends to the whole of British India;

Commencement.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

Act II of 1875 repealed.

2. Act No. II of 1875 (*to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority*) is hereby repealed.

Authority given only to authorized reports.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

Authority of judicial decisions.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and is hereby promulgated for general information:—

ACT No. XIX OF 1875.

An Act to provide an appeal from certain decrees of the Chief Court of the Panjáb, and for other purposes.

Preamble.

Whereas it is expedient to give a right of appeal from certain decrees and orders of the Chief Court of the Panjáb, and to enable the appellate Court to remand suits and order retrials, and to empower Judges of the said Chief Court to make references as to points of law; It is hereby enacted as follows:—

Appeal from decrees in exercise of original jurisdiction.

1. Subject to the provisions hereinafter contained, an appeal shall lie to the said Chief Court from any decree or order (not being an order made in any criminal

trial) made in the exercise of original jurisdiction either by one Judge of the said Chief Court, or by a Bench of two Judges of the same Court, unless such Judges concur in the judgment.

When a suit is heard by a Bench of two Judges exercising original jurisdiction, the judgment of the senior Judge shall be the judgment of the Bench, and the decree or order shall follow thereupon, and any appeal therefrom shall be heard by a Full Bench.

If the decree or order appealed from was made by a single Judge, the appeal shall be heard either by the two other Judges of the said Chief Court or by a Full Bench, as the Court may determine, either by rule made under Act No. IV of 1866, section 43, or, in the absence of such rule, by order in the particular case.

When the appeal is heard by two Judges, and they do not concur in varying the decree or order appealed from, such decree or order shall be taken as the final decree or order of the said Chief Court, unless such Court orders (as it is hereby empowered to do) the appeal to be re-heard before the Full Bench.

Time for presenting such appeals.

2. Every appeal under this Act must be presented within thirty days from the date of the decree or order appealed against.

But if the period of limitation so prescribed expires on a day when the Court is closed, the appeal may be presented on the day that the Court re-opens.

Admission after period has expired.

3. Any such appeal may be admitted after the period of limitation so prescribed when the appellant satisfies the Court that he had sufficient cause for not presenting it within such period; and in the case of any decree against which the Chief Court has declared an appeal to Her Majesty in Council to be admitted under Act No. VI of 1874, the non-existence of this Act shall be deemed to be sufficient cause within the meaning of this section: provided that the copy of the record has not been transmitted to Her Majesty in Council.

Computation of period.

4. In computing such period, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree or order appealed against, shall be excluded.

Power to remand or order new trial.

5. When an appeal under this Act has been heard, the appellate Court may remand the suit in accordance either with section 371 or section 374 of the Code of Civil Procedure, or may order that the case be tried again either by a Full Bench or by the Court that has already tried it.

Power to make reference on points of law.

6. A single Judge, or a Bench of two Judges (whether exercising original or appellate jurisdiction), may refer for the decision of a Full Bench any question of law arising in any suit or on any appeal before such Judge or Bench of two Judges; and the Judge or Bench making the reference shall dispose of the case conformably to the decision of the Full Bench of the question so referred.

Difference among Judges forming Full Bench.

7. In case of a difference of opinion among the Judges forming the Full Bench as to the decision to be given on any question coming before them under any provision of this Act, such question shall be decided according to the opinion of the majority of such Judges.

This Act to be read with Act IV of 1866.

8. This Act shall be read with, and taken as part of, the Panjáb Chief Court Act, 1866.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th December 1875, and is hereby promulgated for general information:—

ACT No. XX OF 1875.

THE CENTRAL PROVINCES LAWS ACT, 1875.

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SCHEDULE.

An Act to declare and amend the Law in force in the Central Provinces.

Preamble.

WHEREAS it is expedient to declare and amend certain portions of the law in force in the Central Provinces; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Central Provinces Laws Act, 1875:"

Local extent.

It extends to the territories now under the administration of the Chief Commissioner of the Central Provinces;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments and rules.

2. On and from the date on which this Act comes into force the following shall be repealed, that is to say,—

(*a*) all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force;

(*b*) all Acts of the Governor General in Council (except the Acts mentioned in the schedule hereto annexed), which do not expressly or by necessary implication extend to the said territories or any part thereof, and have not been extended thereto in exercise of a power conferred by an Act of the Governor General in Council;

(*c*) all rules, regulations and enactments not being Statutes, Bengal Regulations, Acts of the Governor General in Council, or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation, or Act of the Governor General in Council:

Proviso as to law relating to land-revenue and Courts of Wards.

Provided that nothing in this section shall affect any rules, regulations, enactments or laws relating to the settlement and collection of land-revenue or the jurisdiction of Courts of Wards, which may be in

force at the passing of this Act in any part of the said territories.

Certain enactments to be deemed to be in force.

3. On and from the said date the enactments specified in the schedule hereto annexed shall be deemed to be in force throughout the said territories, to the extent mentioned in the third column of the said schedule.

But the powers and duties incident to the operation of the same enactments, so far as such powers and duties are referred to in the fourth column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

Nothing in this section shall be deemed to affect the operation of any enactment not mentioned in the said schedule.

Confirmation of existing Acts.

4. Every Act of the Governor General in Council, which extends, or can by notification be extended, to the territories which were under the administration of the said Chief Commissioner at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the territories now under the administration of the said Chief Commissioner.

Rules of decision in cases of certain classes.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Act:

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases not expressly provided for.

6. In cases not provided for by section five, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

Articles exempt from attachment.

7. Implements of husbandry and cattle for agricultural purposes and implements of trade are exempted from attachment and sale in execution of decrees of the civil Courts.

Power to make subsidiary rules.

8. The said Chief Commissioner may from time to time make rules consistent with this Act as to the following matters:—

(*a*) the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to;

(*c*) the custody of judicial records, civil and criminal, and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep;

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

9. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules.

Force of rules.

10. All rules made under this Act shall, when sanctioned by the Governor General in Council, be published in the *Central Provinces Gazette*, and shall thereupon have the force of law.

SCHEDULE.

(*See section* 3).

A.—BENGAL REGULATIONS.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
I of 1798 ...	The prevention of fraud and injustice in conditional sales of land under deeds of bai-bil-wafa or other deeds of the same nature.	The whole ...	The functions of "the Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).

SCHEDULE,—(*continued*).

A.—BENGAL REGULATIONS,—*continued*.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
V of 1799 ...	Estates of Intestates.	Sections IV, V and VI ...	The functions of the Court of "Sadr Díwání Adálat" shall be performed by the Judicial Commissioner.
X of 1804 ...	Punishment of State offences by Courts Martial.	So much as has not been repealed.	
XI of 1806 ...	Passage of Troops	Sections II to VI and section VIII, with the exception of such part as authorizes Collectors and their Native Officers, or Magistrates and their Police Officers, to give their official aid in procuring "coolies" for the purpose of facilitating the march of troops or the progress of travellers, and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804."	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XVII of 1806...	Redemption and foreclosure of mortgages and conditional sales of land under deeds of bai-bil-wafa, &c.	Sections VII and VIII ...	The functions of the "Zila or City Court of Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
XX of 1810 ...	Camp-followers and Bázárs.	So much as has not been repealed, except sections I to III, VI, XX, and in section VII the words "as described in the plans."	
XI of 1812 ...	Foreign Immigrants.	So much as has not been repealed.	The powers of the "Nizámat Adálat" shall be exercised by the Judicial Commissioner.
V of 1817 ...	Hidden treasure..	So much of the Regulation as is not repealed, with the exception of— (*a*) the first portion of section V down to and including the words "to such treasure." (*b*) the following words in section VIII, that is to say, "on the application of the vakíl of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares."	The functions of the "Zila or City Court" shall be performed by the Court of the Deputy Commissioner; those of the "Provincial Court" by that of the Commissioner, and those of the "Sadr Díwání Adálat" by that of the Judicial Commissioner.

SCHEDULE,—(*concluded*).

A.—BENGAL REGULATIONS,—*concluded*.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
III of 1818 ...	State Prisoners...	So much as has not been repealed.	
VI of 1819 ...	Ferries ...	So much as has not been repealed, with the exception of, in section VII, the words and figures "in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816," and in section X the words and figures from and including "in the manner" down to the end of the section.	
VI of 1825 ...	Supply of troops on the march.	The whole	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XI of 1825 ...	Alluvion and Diluvion.	The whole.	
XX of 1825 ...	Jurisdiction of Courts Martial.	Sections I and II.	
V of 1827 ...	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

B.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year of Act.	Subject.	Extent of operation.
1	2	3
VIII of 1851...	Tolls on Roads and Bridges ...	The whole Act, except section one and the schedule.
XVIII of 1853	Sale of spirits in Cantonments...	The whole Act.
XIII of 1857...	Opium ...	Sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine.
XL of 1858 ...	Minors ...	The whole Act, except section one, and subject to the amendment made by the Indian Majority Act, 1875.
XV of 1864 ...	Tolls ...	The whole Act.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 18, 1875. { Register No. 75.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th December 1875, and is hereby promulgated for general information:—

ACT No. XX OF 1875.

THE CENTRAL PROVINCES LAWS ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments and rules.
   Proviso as to law relating to land-revenue and Courts of Wards.
3. Certain enactments to be deemed to be in force.
4. Confirmation of existing Acts.
5. Rules of decision in cases of certain classes.
6. Rule in cases not expressly provided for.
7. Articles exempt from attachment.
8. Power to make subsidiary rules.
9. Penalty for breach of rules.
10. Publication of rules.
    Force of rules.

SCHEDULE.

An Act to declare and amend the Law in force in the Central Provinces.

WHEREAS it is expedient to declare and amend certain portions of the law in force in the Central Provinces; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Central Provinces Laws Act, 1875:" Short title.

It extends to the territories now under the administration of the Chief Commissioner of the Central Provinces; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. On and from the date on which this Act comes into force the following shall be repealed, that is to say,— Repeal of enactments and rules.

(*a*) all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force;

(*b*) all Acts of the Governor General in Council (except the Acts mentioned in the schedule hereto annexed), which do not expressly or by necessary implication extend to the said territories or any part thereof, and have not been extended thereto in exercise of a power conferred by an Act of the Governor General in Council;

(*c*) all rules, regulations and enactments not being Statutes, Bengal Regulations, Acts of the Governor General in Council, or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation, or Act of the Governor General in Council:

Provided that nothing in this section shall affect any rules, regulations, enactments or laws relating to the settlement and collection of land-revenue or the jurisdiction of Courts of Wards, which may be in Proviso as to law relating to land-revenue and Courts of Wards.

force at the passing of this Act in any part of the said territories.

Certain enactments to be deemed to be in force.

3. On and from the said date the enactments specified in the schedule hereto annexed shall be deemed to be in force throughout the said territories, to the extent mentioned in the third column of the said schedule.

But the powers and duties incident to the operation of the same enactments, so far as such powers and duties are referred to in the fourth column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

Nothing in this section shall be deemed to affect the operation of any enactment not mentioned in the said schedule.

Confirmation of existing Acts.

4. Every Act of the Governor General in Council, which extends, or can by notification be extended, to the territories which were under the administration of the said Chief Commissioner at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the territories now under the administration of the said Chief Commissioner.

Rules of decision in cases of certain classes.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Act:

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases not expressly provided for.

6. In cases not provided for by section five, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

Articles exempt from attachment.

7. Implements of husbandry and cattle for agricultural purposes and implements of trade are exempted from attachment and sale in execution of decrees of the civil Courts.

Power to make subsidiary rules.

8. The said Chief Commissioner may from time to time make rules consistent with this Act as to the following matters:—

(*a*) the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to;

(*c*) the custody of judicial records, civil and criminal, and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep;

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

9. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules.

Force of rules.

10. All rules made under this Act shall, when sanctioned by the Governor General in Council, be published in the *Central Provinces Gazette*, and shall thereupon have the force of law.

SCHEDULE.

(*See section* 3).

A.—BENGAL REGULATIONS.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
I of 1798 ...	The prevention of fraud and injustice in conditional sales of land under deeds of bai-bil-wafa or other deeds of the same nature.	The whole ...	The functions of "the Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).

SCHEDULE,—(*continued*).

A.—BENGAL REGULATIONS,—*continued*.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
V of 1799 ...	Estates of Intestates.	Sections IV, V and VI ...	The functions of the Court of "Sadr Díwání Adálat" shall be performed by the Judicial Commissioner.
X of 1804 ...	Punishment of State offences by Courts Martial.	So much as has not been repealed.	
XI of 1806 ...	Passage of Troops	Sections II to VI and section VIII, with the exception of such part as authorizes Collectors and their Native Officers, or Magistrates and their Police Officers, to give their official aid in procuring "coolies" for the purpose of facilitating the march of troops or the progress of travellers, and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804."	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XVII of 1806...	Redemption and foreclosure of mortgages and conditional sales of land under deeds of bai-bil-wafa, &c.	Sections VII and VIII ...	The functions of the "Zila or City Court of Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
XX of 1810 ...	Camp-followers and Bázárs.	So much as has not been repealed, except sections I to III, VI, XX, and in section VII the words "as described in the plans."	
XI of 1812 ...	Foreign Immigrants.	So much as has not been repealed.	The powers of the "Nizámat Adálat" shall be exercised by the Judicial Commissioner.
V of 1817 ...	Hidden treasure..	So much of the Regulation as is not repealed, with the exception of— (*a*) the first portion of section V down to and including the words "to such treasure." (*b*) the following words in section VIII, that is to say, "on the application of the vakíl of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares."	The functions of the "Zila or City Court" shall be performed by the Court of the Deputy Commissioner; those of the "Provincial Court" by that of the Commissioner, and those of the "Sadr Díwání Adálat" by that of the Judicial Commissioner.

SCHEDULE,—(*concluded*).

A.—BENGAL REGULATIONS,—*concluded.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
III of 1818 ...	State Prisoners...	So much as has not been repealed.	
VI of 1819 ...	Ferries ...	So much as has not been repealed, with the exception of, in section VII, the words and figures "in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816," and in section X the words and figures from and including "in the manner" down to the end of the section.	
VI of 1825 ...	Supply of troops on the march.	The whole	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XI of 1825 ...	Alluvion and Diluvion.	The whole.	
XX of 1825 ...	Jurisdiction of Courts Martial.	Sections I and II.	
V of 1827 ...	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

B.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year of Act.	Subject.	Extent of operation.
1	2	3
VIII of 1851...	Tolls on Roads and Bridges ...	The whole Act, except section one and the schedule.
XVIII of 1853	Sale of spirits in Cantonments...	The whole Act.
XIII of 1857...	Opium ...	Sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine.
XL of 1858 ...	Minors ...	The whole Act, except section one, and subject to the amendment made by the Indian Majority Act, 1875.
XV of 1864 ...	Tolls ...	The whole Act.

WHITLEY STOKES,
Secy. to the Govt. of India.

[First Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th December 1875, and is hereby promulgated for general information :—

ACT No. XXI OF 1875.

An Act to authorize the University at Calcutta to grant honorary degrees.

WHEREAS, under Act No. II of 1857, an University was established at Calcutta for the purpose of ascertaining by examination the persons who had acquired proficiency in different branches of Literature, Science and Art, and of rewarding them by academical degrees as evidence of their respective attainments: and by section eight of the same Act the Chancellor, Vice-Chancellor and Fellows for the time being of the said University were empowered to make bye-laws and regulations touching the examination for such degrees and the granting of the same;

Preamble.

And whereas, by section eleven of the same Act, it was provided that the said Chancellor, Vice-Chancellor and Fellows should have power after examination to confer the several degrees therein mentioned;

And whereas, under Act No. XLVII of 1860, the Chancellor, Vice-Chancellor and Fellows for the time being of the said University were empowered to confer such degrees as they should appoint by bye-laws and regulations made and approved as therein mentioned; and all the provisions of the said Act No. II of 1857 with respect to the degrees therein mentioned, and the examination for those degrees were declared to apply to degrees conferred under the said Act No. XLVII of 1860, and to the examinations for such degrees;

And whereas, under bye-laws and regulations made in exercise of the said powers, the executive government of the said University is now vested in a Syndicate consisting of the Vice-Chancellor and six of the Fellows of the said University; and it is the duty of the said Syndicate (among other things) to grant academical degrees;

And whereas it is expedient to authorize the said Syndicate to grant such degrees to persons who have not undergone a previous examination; It is hereby enacted as follows :—

1. With the previous consent of the said Chancellor, the said Syndicate for the time being may grant any academical degree to any person without requiring him to undergo any examination for such degree:

Power to confer honorary degrees.

Provided that the said Vice-Chancellor and not less than four of the other members of the said Syndicate for the time being certify in writing that in his and their opinion such person is, by reason of eminent position and attainments, a fit and proper person to receive such degree.

WHITLEY STOKES,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 25, 1875. { Register No. 75.

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

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th December 1875, and is hereby promulgated for general information:—

ACT No. XX OF 1875.

THE CENTRAL PROVINCES LAWS ACT, 1875.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Repeal of enactments and rules.
   Proviso as to law relating to land-revenue and Courts of Wards.
3. Certain enactments to be deemed to be in force.
4. Confirmation of existing Acts.
5. Rules of decision in cases of certain classes.
6. Rule in cases not expressly provided for.
7. Articles exempt from attachment.
8. Power to make subsidiary rules.
9. Penalty for breach of rules.
10. Publication of rules.
    Force of rules.

SCHEDULE.

An Act to declare and amend the Law in force in the Central Provinces.

Preamble.

WHEREAS it is expedient to declare and amend certain portions of the law in force in the Central Provinces; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Central Provinces Laws Act, 1875:"

Local extent.

It extends to the territories now under the administration of the Chief Commissioner of the Central Provinces;

Commencement.

And it shall come into force on the passing thereof.

Repeal of enactments and rules.

2. On and from the date on which this Act comes into force the following shall be repealed, that is to say,—

(*a*) all Bengal Regulations except the Regulations or parts of Regulations hereinafter declared to be in force;

(*b*) all Acts of the Governor General in Council (except the Acts mentioned in the schedule hereto annexed), which do not expressly or by necessary implication extend to the said territories or any part thereof, and have not been extended thereto in exercise of a power conferred by an Act of the Governor General in Council;

(*c*) all rules, regulations and enactments not being Statutes, Bengal Regulations, Acts of the Governor General in Council, or rules or regulations made in exercise of a power conferred by a Statute, Bengal Regulation, or Act of the Governor General in Council:

Proviso as to law relating to land-revenue and Courts of Wards.

Provided that nothing in this section shall affect any rules, regulations, enactments or laws relating to the settlement and collection of land-revenue or the jurisdiction of Courts of Wards, which may be in

force at the passing of this Act in any part of the said territories.

Certain enactments to be deemed to be in force.

3. On and from the said date the enactments specified in the schedule hereto annexed shall be deemed to be in force throughout the said territories, to the extent mentioned in the third column of the said schedule.

But the powers and duties incident to the operation of the same enactments, so far as such powers and duties are referred to in the fourth column of the said schedule, shall be exercised and performed by the authorities mentioned in that column.

Nothing in this section shall be deemed to affect the operation of any enactment not mentioned in the said schedule.

Confirmation of existing Acts.

4. Every Act of the Governor General in Council, which extends, or can by notification be extended, to the territories which were under the administration of the said Chief Commissioner at the time of the passing thereof, shall extend, or may by notification be extended, as the case may be, to all the territories now under the administration of the said Chief Commissioner.

Rules of decision in cases of certain classes.

5. In questions regarding inheritance, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Muhammadan law in cases where the parties are Muhammadans, and the Hindú law in cases where the parties are Hindús, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Act:

Provided that when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases not expressly provided for.

6. In cases not provided for by section five, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

Articles exempt from attachment.

7. Implements of husbandry and cattle for agricultural purposes and implements of trade are exempted from attachment and sale in execution of decrees of the civil Courts.

Power to make subsidiary rules.

8. The said Chief Commissioner may from time to time make rules consistent with this Act as to the following matters:—

(*a*) the maintenance of watch and ward and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies;

(*b*) the imposition of taxes for the purposes mentioned in clause (*a*) of this section on persons holding or joining any of the assemblies therein referred to;

(*c*) the custody of judicial records, civil and criminal, and the destruction from time to time of such of the said records as it may be deemed unnecessary to keep;

(*d*) the appointment, duties, punishment, suspension and dismissal of all ministerial officers.

Penalty for breach of rules.

9. The Chief Commissioner may, in making any rule under this Act, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Publication of rules.

Force of rules.

10. All rules made under this Act shall, when sanctioned by the Governor General in Council, be published in the *Central Provinces Gazette*, and shall thereupon have the force of law.

SCHEDULE.

(*See section* 3).

A.—BENGAL REGULATIONS.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
I of 1798 ...	The prevention of fraud and injustice in conditional sales of land under deeds of bai-bil-wafa or other deeds of the same nature.	The whole ...	The functions of "the Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).

SCHEDULE,—(*continued*).

A.—BENGAL REGULATIONS,—*continued*.

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
V of 1799 ...	Estates of Intestates.	Sections IV, V and VI ...	The functions of the Court of "Sadr Díwání Adálat" shall be performed by the Judicial Commissioner.
X of 1804 ...	Punishment of State offences by Courts Martial.	So much as has not been repealed.	
XI of 1806 ...	Passage of Troops	Sections II to VI and section VIII, with the exception of such part as authorizes Collectors and their Native Officers, or Magistrates and their Police Officers, to give their official aid in procuring "coolies" for the purpose of facilitating the march of troops or the progress of travellers, and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804."	The powers of the "Governor General in Council" and of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XVII of 1806...	Redemption and foreclosure of mortgages and conditional sales of land under deeds of bai-bil-wafa, &c.	Sections VII and VIII ...	The functions of the "Zila or City Court of Díwání Adálat" shall be discharged by the "District Court" as defined in section three, Act XIV of 1865 (The Central Provinces Courts Act).
XX of 1810 ...	Camp-followers and Bázárs.	So much as has not been repealed, except sections I to III, VI, XX, and in section VII the words "as described in the plans."	
XI of 1812 ...	Foreign Immigrants.	So much as has not been repealed.	The powers of the "Nizámat Adálat" shall be exercised by the Judicial Commissioner.
V of 1817 ...	Hidden treasure ..	So much of the Regulation as is not repealed, with the exception of— (*a*) the first portion of section V down to and including the words "to such treasure." (*b*) the following words in section VIII, that is to say, "on the application of the vakíl of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the Western Provinces, or the Commissioner in Behar and Benares."	The functions of the "Zila or City Court" shall be performed by the Court of the Deputy Commissioner; those of the "Provincial Court" by that of the Commissioner, and those of the "Sadr Díwání Adálat" by that of the Judicial Commissioner.

SCHEDULE,—(*concluded*).

A.—BENGAL REGULATIONS,—*concluded.*

Number and year of Regulation.	Subject.	Extent of operation.	Powers or duties how to be exercised or performed.
1	2	3	4
III of 1818 ...	State Prisoners...	So much as has not been repealed.	
VI of 1819 ...	Ferries ...	So much as has not been repealed, with the exception of, in section VII, the words and figures "in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816," and in section X the words and figures from and including "in the manner" down to the end of the section.	
VI of 1825 ...	Supply of troops on the march.	The whole	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.
XI of 1825 ...	Alluvion and Diluvion.	The whole.	
XX of 1825 ...	Jurisdiction of Courts Martial.	Sections I and II.	
V of 1827 ...	Administration of landed property.	So much as has not been repealed, except the words and figures "and clauses five and six, section XVI, Regulation III, 1803."	The powers of the "Board of Revenue" shall be exercised by the Chief Commissioner.

B.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year of Act.	Subject.	Extent of operation.
1	2	3
VIII of 1851...	Tolls on Roads and Bridges ...	The whole Act, except section one and the schedule.
XVIII of 1853	Sale of spirits in Cantonments...	The whole Act.
XIII of 1857...	Opium ...	Sections twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine.
XL of 1858 ...	Minors ...	The whole Act, except section one, and subject to the amendment made by the Indian Majority Act, 1875.
XV of 1864 ...	Tolls ...	The whole Act.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Second Publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th December 1875, and is hereby promulgated for general information:—

ACT NO. XXI OF 1875.

An Act to authorize the University at Calcutta to grant honorary degrees.

WHEREAS, under Act No. II of 1857, an University was established at Calcutta for the purpose of ascertaining by examination the persons who had acquired proficiency in different branches of Literature, Science and Art, and of rewarding them by academical degrees as evidence of their respective attainments: and by section eight of the same Act the Chancellor, Vice-Chancellor and Fellows for the time being of the said University were empowered to make bye-laws and regulations touching the examination for such degrees and the granting of the same;

Preamble.

And whereas, by section eleven of the same Act, it was provided that the said Chancellor, Vice-Chancellor and Fellows should have power after examination to confer the several degrees therein mentioned;

And whereas, under Act No. XLVII of 1860, the Chancellor, Vice-Chancellor and Fellows for the time being of the said University were empowered to confer such degrees as they should appoint by bye-laws and regulations made and approved as therein mentioned; and all the provisions of the said Act No. II of 1857 with respect to the degrees therein mentioned, and the examination for those degrees were declared to apply to degrees conferred under the said Act No. XLVII of 1860, and to the examinations for such degrees;

And whereas, under bye-laws and regulations made in exercise of the said powers, the executive government of the said University is now vested in a Syndicate consisting of the Vice-Chancellor and six of the Fellows of the said University; and it is the duty of the said Syndicate (among other things) to grant academical degrees;

And whereas it is expedient to authorize the said Syndicate to grant such degrees to persons who have not undergone a previous examination; It is hereby enacted as follows:—

1. With the previous consent of the said Chancellor, the said Syndicate for the time being may grant any academical degree to any person without requiring him to undergo any examination for such degree:

Power to confer honorary degrees.

Provided that the said Vice-Chancellor and not less than four of the other members of the said Syndicate for the time being certify in writing that in his and their opinion such person is, by reason of eminent position and attainments, a fit and proper person to receive such degree.

WHITLEY STOKES,
Secy. to the Govt. of India.

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