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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 10, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance.*

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E. J. DEAN,
Publisher, Gazette of India.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.—The under-mentioned Estates having come under charge of this Office, all persons having claims upon, being indebted to, or holding property belonging to the said Estates, are requested to place themselves in immediate communication with the undersigned:—

John Maxwell, of Westwater, in Scotland, died in Scotland, on the 1st April 1852.

Mary Brown, wife of Thomas Brown, of Esk Bank, in the District of Hartly, New South Wales, at Esk Bank, on the 10th May 1878.

Andrew Harlow, Manager of Mohunda Tea Estate, in Cachar, in Cachar, on the 28th June 1879.

John Daniel Mathews Burton, an Assistant Engineer in the Salt Branch, Punjab Northern State Railway, at Lalla Musa, on the 16th November 1879.

William Bromley Barker, a Captain in the 10th Royal Hussars, at Jhelum, on the 11th November 1879.

Edgar Hunt Dumbleton, a Surgeon in the Indian Medical Service, at Alikheyl, in Afghanistan, on the 5th October 1879.

Arther L. Hay, a Sergeant in the Department of Public Works, at Lundi Kotal, on the 14th September 1879.

Duncan B. King, Agent for Transport and Government Consignments, at Kidderpore, at Garden Reach, on 30th November 1979.

Thomas James Brown, of No. 42, Bentinck Street, Calcutta, carrying on business under the style of Messrs. Brown & Co., Undertakers and Stone Masons, &c., at Calcutta, on the 4th March 1880.

Harriet Agabeg, of Serampore, in the District of Hooghly, widow of the late A. L. Agabeg, of Calcutta, at Serampore, on the 7th December 1878.

Lewis Dunbar Brodie Gorden, formerly of Abingdon Street, in the City of Westminster, but late of Poynters Grove, Totteridge, in the County of Hertford, Esquire, in England, on the 28th April 1876.

Alexander Macpherson Munro, Manager of Sololl Tea Garden, in the District of Nowgong, in Assam, in Nowgong, on the 23rd September 1879.

J. F. King, of No. 22-1, Middle Road, Entally, in the Suburbs of Calcutta, widow, at Calcutta, on the 7th March 1880.

John Gadding, a Christian inhabitant of the Town of Calcutta, at Calcutta, on the 3rd December 1876.

Cecil George Kellner, of Mymensingh, Barrister-at-Law, at Mymensingh, on the 8th February 1880.

William Dunbar Sinclair, a Tea Planter and Part Proprietor of the Tilkah Tea Estate, situate in the District of Cachar, in Bengal, at Forrs House, Thurso, North Britain, on the 27th October 1878.

Sir John Witlington Adams, Knight Commander of the Bath, holding the rank of Major-General in His late Majesty's, King William IV, Army and a Colonel in the Military Service of the Honourable East India Company on their Bengal Establishment, at Subathoo, on the 9th March 1837.

James Cochrane Todd, Commander of the Floating Light Vessel *Mermaid*, at Calcutta, on the 15th February 1880.

Robert Pratt, a Rough Rider and Farrier Sergeant of the Light Field Battery, at Dum-Dum, on the 7th October 1856.

Alfred Newton Mell, formerly of No. 15, Park Villas, Park Road, Forrest Hill, in the County of Kent, in England, but late of No. 47, Free School Street, in the Town of Calcutta, at Calcutta, on the 11th October 1879.

Mathew Mathews, Head Clerk of the Commissioner's Office, Hissar, at Hissar, on the 26th October 1879.

Edward Walter Home Crofton, a Captain in the 60th Regiment, Royal Rifle Corps, at Lundi Kotal, on the 19th October 1879.

Arthur J. Milner, a Lieutenant in Her Majesty's 18th Regiment of Foot, at Palumpore, on the 17th September 1879.

Andrew Cooke McMaster, a Brigadier-General in the Madras Staff Corps, at Mooltan, on the 27th June 1879.

John Edward Walsh, a Surgeon in the Indian Medical Department, at Candahar, on the 23rd July 1879.

William Walker Galloway, a Surgeon-Major in the Indian Medical Service, attached to the 45th Rattray's Sikhs, at Rawul Pindee, on the 21st July 1879.

John Henry Gamble, a Captain in Her Majesty's 17th Regiment of Foot, at Lundi Kotal, on the 14th July 1879.

Silas Adair Swinley, a Captain in the General List of Cavalry, attached to the 11th Regiment of Bengal Lancers, at Camp Safed Sang, in Afghanistan, on the 24th May 1879.

Robert Lyons, a Conductor in the Ordnance Department, at Peshawar, on the 17th July 1879.

George Washington Pratt, of Beerpore, in Durbhungah, in the District of Tirhoot, in Bengal, Indigo Planter, at Mudhoobung, on the 5th August 1878.

Robert Barkey Shaw, Resident from the British Government at Mandalay, at Mandalay, on the 15th June 1879.

Frederick Power Mansfield, of Hathibarrea Tea Estate, in Tezpore, in the Province of Assam, Tea Planter, at Tezpore, on the 17th October 1879.

Francis Wilson, an Assistant Engineer in the Public Works Department, Irrigation Branch, Punjab, at Roopar, on the 30th October 1879.

Elizabeth Michael, of No. 22, London Street, in the Town of Calcutta, widow, at Calcutta, on the 12th March 1880.

William Cumming of Munehari, in the District of Purneah, at Munehari.

Sarah Smyth, of Dinapore, in the District of Patna, widow, at Dinapore, on the 11th April 1880.

George Reuber Payter, formerly of Dinagepore, in the Province of Bengal, and of the Langham Hotel, Portland Place, in the County of Middlesex, but late of the Oriental Club, No. 18, Hanover Square, in the said County, at Santapeer, in Bengal, on the 8th January 1880.

William George Herold Wilson, of Benares, a Government Pensioner, at Benares, on the 27th July 1879.

Henry Martin Fleming, a Telegraph Master in the Government Telegraph Department at Raneegunge, at Raneegunge, on the 20th April 1880. Certificate granted under Section 36, Act II of 1874, to Louisa Fleming, widow of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 24th June 1880.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 30th June 1880.

No. 175.—Mr. James Bond, Assistant Surveyor, 1st Grade, is granted six weeks' privilege leave, with effect from the forenoon of the 22nd instant.

The 6th July 1880.

No. 176.—Mr. J. McGill, Assistant Superintendent, 2nd Grade, having returned from furlough on the afternoon of the 30th June, is appointed to officiate as Assistant Superintendent, 1st Grade, with effect from the 1st July.

The following reversion is made with effect from the same date:—

Mr. E. C. Barrett, Officiating Assistant Superintendent, 1st Grade, to revert to his substantive appointment of Assistant Superintendent, 2nd Grade.

No. 177.—Mr. G. T. Hall, Assistant Surveyor, 3rd Grade, is granted one month's privilege leave, from the forenoon of the 20th June.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 2nd July 1880.

Offices opened and closed during the month of June 1880:—

Name of Station.	Where situated.	Date.	REMARKS.
Ali Bogan	Afghanistan	8th	Closed.
Cawnpore City	N.-W. Provinces	17th	Ditto.
*Cherat	Punjab	1st	Re-opened.
Dhurmsala	Ditto	7th	Opened.
*Guneshkhind	Bombay Presdy.	11th	Re-opened.
Khushialgurh	Punjab	4th	Ditto.
*Mahabaleshwar	Bombay Presdy.	15th	Closed.
*Malabar Point	Ditto	3rd	Ditto.
*Matheran	Ditto	15th	Ditto.
Mirzapore	Bengal	19th	Ditto.
Ngathineyoung	British Burmah	21st	Re-opened.
Pherrima	Assam	15th	Closed.
Piphima	Ditto	15th	Re-opened.
Tallamanaar	Ceylon	25th May	Closed.

* Season Offices.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 3rd July 1880.

No. 1778 *S.*—Under orders from the Government of India, Public Works Department, the Agent Governor General and Chief Commissioner is pleased to order the following reversion in the Engineer Establishment of the Public Works Department, Rajputana, with effect from 1st June 1880:—

Mr. Bhugat Singh, from Temporary Assistant Engineer, 1st Grade, to Assistant Engineer, 2nd Grade.

By Order,
J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General, and Chief Commr., in the P. W. D., Rajputana.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 6th July 1880.

No. 1112.—Hospital Assistant Abdul Razzak, serving in the Central India Agency, is reduced in rank from 1st to 2nd Grade for misconduct, with effect from 3rd July 1880.

By Order,
D. W. K. BARR,
1st Asstt. Agent, Govr. Genl., for Central India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 30th June 1880.

No. 28.—Lieutenant S. Grant, R.E., Executive Engineer, 4th Grade (temporary rank), on return from field service, is posted to the Meerut Command, Military Works.

No. 29.—Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, on return from field service, is posted to the Rawalpindi Command, Military Works.

No. 30.—Lieutenant G. C. P. Onslow, R.E., Assistant Engineer, 2nd Grade, on return from field service, is posted to the Head-quarters of the Inspector General's Office, for employment on the Defence Committee.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Meerut Command.

Meerut, the 5th July 1880.

No. 14.—Lieutenant J. T. Johnston, R.E., Officiating Executive Engineer, Agra Division, Military Works, is granted three months' privilege leave which he availed himself of on the forenoon of the 28th June 1880.

No. 15.—With reference to this Office Notification No. 14, dated 5th July 1880, Lieutenant J. T. Johnston, R.E., Executive Engineer, and Mr. G. F. Lamb, Assistant Engineer, respectively, made over, and received, charge of the Agra Division, Military Works, on the forenoon of the 28th June 1880.

G. P. DE PALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 28th June 1880.

No. 88.—The under-mentioned transfer is made:—

Mr. J. H. Allen, Assistant Traffic Superintendent, from Indus Valley State Railway, to Rathial-Pindi Section of the Punjab Northern State Railway.

No. 89.—With reference to Government of India, Public Works Department, Notification No. 209, dated 28th June 1880, the under-mentioned posting is made:—

Mr. Leonard Bean, Candidate Class of Traffic Department of State Railways, to the Punjab Northern State Railway, Open Line.

The 2nd July 1880.

No. 90.—The under-mentioned Officer is granted leave on medical certificate for six months, under Section 4, Supplement F, of the Civil Leave Code:—

Babu Mutty Lall Dey, Assistant Engineer, 1st Grade, Kandahar State Railway, Hurnai and Gulistan-Karez Sections.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY.

WANTED

Four Pay Clerks for Indus Valley and Kandahar State Railways. Pay Rs. 60—4—80, with usual travelling allowances.

None need apply who cannot deposit Rs. 3,000 to Rs. 5,000, either in cash or Government Promissory Notes.

Apply to—

PAYMASTER,
Indus Valley State Railway,
Mooltan.

NEEMUCH-NUSSEERABAD STATE RAILWAY.

NOTIFICATION.

Neemuch, the 1st July 1880.

No. 22.—Mr. T. W. Grant, Assistant Engineer, 1st Grade, on return from privilege leave, reported his arrival at Neemuch this day (forenoon), and is posted to No. 2 Division, Neemuch-Nusseerabad State Railway.

WM. B. CARTER,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATION.

Lahore, the 24th June 1880.

No. 8.—With reference to Government of India, Public Works Department, Notification No. 163, dated 25th May 1880, Mr. J. R. H. Alloway, Assistant Locomotive Superintendent, Class III, joined this Railway on the forenoon of the 4th June 1880.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY, Rathial-Rawalpindi Section.

NOTIFICATION.

Rawalpindi, the 3rd July 1880.

No. 7.—Mr. L. G. Prickett, Assistant Engineer, 2nd Grade, is transferred from the Jhelum to the Sohan Division. He left the former on the afternoon of the 27th June 1880, and joined the latter on the forenoon of the 28th idem.

F. L. DIBBLEE,
Offg. Engineer-in-Chief.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following changes in the Regulations in Arts, Law, Medicine and Engineering having been sanctioned by the Senate and approved by His Excellency the Governor General in Council, are published for general information :—

The following foot-note has been appended to the word "school" in the marginal note to the Entrance Certificate (Appendix A) :—

"It is in the power of the Syndicate to refuse to recognize any school unless it is certified by a Government Inspector of Schools, as having been in existence since the 1st of March next preceding the Examination, and as qualified to teach up to the Entrance Standard."

In paragraph 9 of the Regulations for Honours in Arts, the words "History of Philosophy" have been substituted for the words "Natural Theology," and the words "(*a*) Natural Theology" for the words "(*a*) History of Philosophy."

In paragraph 6 of the Regulations for the Licence in Medicine and Surgery for the words "the Syndicate shall notify, three months before the examination, the portions of the subjects of Chemistry and Botany in which candidates shall be examined," the following words have been substituted :—

"The Syndicate shall notify three months before the Examination the portions of Botany in which candidates shall be examined."

For the words "on the first Monday in December," in paragraph 1 of the Regulations for the Entrance Examination; for the words "on the morning of the fourth Monday after the examination," in paragraph 7 of the same Regulations; for the words "on the first Monday in December," in paragraph 1 of the Regulations for the F. A. Examination; for the words "on the morning of the fourth Monday after the examination," in paragraph 7 of the same Regulations; for the words "in the first week in January," in paragraph 1 of the Regulations for the Bachelor of Arts Examination; for the words "on the morning of the fourth Monday after the examination," in paragraph 7 of the same Regulations; for the words "in the first week in February," in paragraph 1 of the Regulations for Honours in Arts; for the words "on or before the 31st day of December," in paragraph 4 of the same Regulations; for the words "on or before the 1st of January," in paragraph 2 of the Regulations for the examination for the degree of Master of Arts; for the words "in the first week in January," in paragraph 1 of the Regulations for the degree of Bachelor in Law; for the words "in the first week in March," in paragraph 1 of the Regulations for the examination for Honours in Law; for the words "in the last week of March," in paragraph 1 of the Regulations for the Licence in Medicine and Surgery, and in paragraph 1 of the Regulations for the degree of Bachelor in Medicine; for the words "in the first week of April," in paragraph 1 of the Regulations for the degree of Doctor in Medicine; for the words "in the first week of May," in paragraph 1 of the Regulations for the Licence in Civil Engineering, and in paragraph 1 of the Regulations for the degree of Bachelor in Civil Engineering; and for the words "in the first week of June," in paragraph 1 of the Regulations for Honours in Civil Engineering, the following words have been substituted —

"At such time as the Syndicate shall determine, the date to be approximately notified in the calendar for the year."

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 24th June 1880.

The following Text-book in English Literature has been appointed for the Entrance Examination of 1881 :—

Readings from English History selected and edited by John Richard Green, Part III.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 10th July 1880.

WANTED

A Draftsman for six months, salary Rs. 50 per month.

He must be competent to take out quantities and check measurements of Estimates from the Drawings.

Apply, with copies of testimonials, which will not be returned, to the Executive Engineer, Military Works, Morar.

Replies will not be sent to unsuccessful applicants.

J. H. CROWDY, *Major, R.E.,*
Executive Engineer,
Morar Division, Military Works.

MORAR,
The 5th July 1880.

TREASURE TROVE.

In accordance with the provisions of Section 5 of "The Indian Treasure Trove Act (VI of 1878)," notice is hereby given to all whom it may concern, that, on the 7th day of June 1880, certain treasure consisting of 27 brass and copper pots, weighing in the aggregate twenty-one seers and eleven and three-fourth chataks, and valued at about Rs. 13, was found in Survey No. 184 of the village of Mended, Petta Mulshi, Taluka Haveli, of the Poona Collectorate, in the Bombay Presidency.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector, at his Office, on the 22nd day of November 1880, when the Collector will proceed to hold an enquiry in accordance with the provisions of the aforesaid Act.

J. RICHEY,
Acting Collector of Poona.

POONA COLLECTOR'S OFFICE,
The 29th June 1880.

Report of a Deserter from the 83rd Regiment of Foot, dated at Belgaum, this 3rd day of July 1880.

Name,—Lance Corporal William Farr.
Age,—25 years 3 months.
Size,—5 feet 7 inches.
Color of—
Complexion, fresh; hair, dark brown; eyes, light blue.
Peculiar Marks by which his identity may be ascertained,—Scar on lower lip.
Date of Desertion,—1st July 1880.
From whence deserted,—Belgaum.
Date of Enlistment,—20th August 1878.
Place of Enlistment,—Kurrachee.
Parish where Born,—Old Trinity.
County,—York.
Former Trade or Occupation,—Painter.
Dress at the time of Desertion,—
Coat or Jacket,— } Deserted in Regimentals.
Waistcoat,— ... } Deserted in Regimentals.
Breeches or Trowsers,— ... } Deserted in Regimentals.
REMARKS, stating any particular circumstances attending his desertion,—None.

——— *Lieut.-Col.,*
Commdg. 83rd Regt.

Report of a Deserter from the 83rd Regiment of Foot, dated at Belgaum, this 3rd day of July 1880.

Name,—Private Lionel Dowman.
Age,—18 years 9 months.
Size,—5 feet 6½ inches.
Color of—
Complexion, fair; hair, light brown; eyes, light blue.
Peculiar Marks by which his identity may be ascertained,—Scar on right cheek.
Date of Desertion,—1st July 1880.
From whence deserted,—Belgaum.
Date of Enlistment,—22nd May 1877.
Place of Enlistment,—Kurrachee.
Parish where Born,—Hydrabad, Sind.
County,—East Indies.
Former Trade or Occupation,—None.
Dress at the time of Desertion,—
Coat or Jacket,— } Deserted in Regimentals.
Waistcoat,— ... } Deserted in Regimentals.
Breeches or Trowsers,— ... } Deserted in Regimentals.
REMARKS, stating any particular circumstances attending his desertion,—None.

——— *Lieut.-Col.,*
Commdg. 83rd Regt.

Report of a Deserter from the I-C Regiment of Royal Horse Artillery, dated at Umballa, this 30th day of June 1880.

Number, Rank, and Name,—No. 2800, Gunner Wm. Cole
Age,—25 years 10 months.
Size,—5 feet 9¼ inches.
Color of—
Complexion, sallow; hair, brown; eyes, brown.
Date of Desertion,—26th June 1880.
Place of Desertion,—Umballa.
Date of Enlistment,—12th August 1874.
At what Place Enlisted,—Dublin.
Parish and County in which Born,—Mallingar—West Meath.
Marks,—None.
Trade,—Laborer.
Coat or Jacket, } White jacket with ball buttons (regimental), white trowsers.
Waistcoat,— } White jacket with ball buttons (regimental), white trowsers.
Breeches or Trowsers,— } White jacket with ball buttons (regimental), white trowsers.
REMARKS,—Escaped in bare shirt; his helmet and jacket (regimental) was subsequently missed from the prisoner's room. Escaped from confinement whilst awaiting trial by district court-martial Under 6 years' service.

R. W. SMITH, *Capt., R.H.A.,*
Comdg. R. H. A., Umballa.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
June 28	...	...	2,24,451	252	77,44,228	48,23,244
" 29	...	...	...	252	77,44,352	48,23,244
" 30	...	...	268	...	77,44,591	48,23,497
July 1	...	...	...	...	77,45,374	48,23,497
" 2	...	44,151	...	...	77,50,248	47,82,115
" 3	...	1,20,245	...	...	77,50,827	46,59,487

CALCUTTA MINT,
The 5th July 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 8th July 1880 ... Rs. 51,43,457-7-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 9th July 1880.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, up to the 30th June 1880.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
	PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.		
1	Assam ...	April 1880	June 17, 1880
2	Quetta Agency ...	Ditto	Do. 18, "
3	North-Western Provinces and Oudh.	Ditto	Do. 24, "
	Punjab		
	Central Provinces		
	Rajputana		
7	Central India ...	Ditto	Do. 25, "
8	Military Works Branch	Ditto	Do. 28, "
	Hyderabad (Imperial)		
	Mysore		
	Hyderabad Assigned Districts.		
13	Coorg ...	Ditto	Do. 29, "
14	British Burmah ...	March 1880	May 31, "
15	Madras ...	Ditto	June 7, "
16	Bombay ...	Ditto	Do. 17, "
17	Bengal ...	Ditto	Do. 25, "
	STATE RAILWAYS (CAPITAL).		
1	Indus Valley ...	April 1880	June 18, 1880
2	Northern Bengal ...	Ditto	Do. 23, "
	Lala Moosa to Chak Nizam		
	Calcutta & South-Eastern		
	Punjab Northern		
	Dhond and Manmad		
	Muttra-Hathras		
	Cawnpore-Farakhabad		
	Ghazipur-Dildarnagar		
	Achnera-Muttra		
	N.-W. Provinces Light Railway Surveys.		
	Bareilly and Pilibhit		
	Bombay, Eastern Deccan		
	Indore-Nasirabad		
15	Amritsar and Pathankote	Ditto	Do. 25, "
	Ujain and Bhopal		
	Umbala and Kalka		
	Patna and Gya		
19	Rangoon and Irrawaddy Valley.	Ditto	Do. 28, "
	Mysore		
22	Nulhati ...	Ditto	Do. 29, "
	Tirhoot		
24	Sindia ...	March 1880	May 22, "
	Central Bengal		
26	Western Rajputana State Railway Stores Branch.	Ditto	Do. 25, "
28	Rajputana ...	Ditto	Do. 31, "
29	Wardah Coal ...	Ditto	June 2, "
	Nagpur-Chhattisgurh		
31	Kandahar ...	Ditto	Do. 3, "
32	Kathiawar ...	Ditto	Do. 4, "
33	Bellary and Karwar	Ditto	Do. 15, "
34	Western Rajputana, Southern Section.	Feb. 1880	May 5, "
	IRRIGATION.		
1	British Burmah ...	April 1880	June 21, 1880
2	North-Western Provinces and Oudh.	Ditto	Do. 24, "
	Punjab		
	Rajputana		
5	Bengal	Ditto	Do. 29, "
6	Madras	March 1880	Do. 7, "
7	Bombay	Ditto	Do. 16, "
	GUARANTEED RAILWAYS.		
1	Bengal ...	April 1880	June 22, 1880
2	Punjab ...	Ditto	Do. 24, "
3	North-Western Provinces and Oudh.	Ditto	Do. 25, "
4	Madras ...	March 1880	Do. 8, "
5	Bombay ...	Ditto	Do. 15, "
	STATE RAILWAYS (REVENUE).		
1	Rangoon and Irrawaddy Valley.	April 1880	June 14, 1880
2	Dhond & Manmad ...	Ditto	Do. 21, "
3	Northern Bengal	Ditto	Do. 23, "
	Calcutta & South-Eastern		
	Holkar & Sindia-Neemuch		
4	Punjab Northern ...	Ditto	Do. 24, "
	Indus Valley		
	Muttra-Hathras		
	Nalhati		
9	Tirhoot ...	Ditto	Do. 29, "
	Patna and Gya		
	Wardah Coal		
13	Rajputana ...	March 1880	May 31, "
14	Sindia ...	Ditto	Do. 31, "
15	Western Rajputana ...	Ditto	June 11, "

SIMLA,
The 5th July 1880.

A. J. FILGATE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
196	... D 11—95551 ...	10	Abdool Gafoor, Chakrata.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
118	... D 16—18177 ...	10	Babu Mukund Lall, Agra.
119	... D 18—52645 ...	100	The Inspecting Post Master, Moorabadad.
120	... D 7—59795 ...	100	Lalla Madan Lall, Sultanpur.
121	... D 12—25648 ...	5	Pundit Indra Narain, Hamirpur.

ALLAHABAD,
The 7th July 1880.

A. A.-G.,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W45	... M 46—16946 ...	50	Wamon Vinayek, Ratnagiri.
	" —27595 ..	50	
	M 38—29441 ...	500	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
H106	... M 34—39687 ...	20	Nowrowji Ruttonjee Divecha, Bombay.
H107	... M 7—59891 ...	5	Ramchandra Govind Pak, Jamkhandi.
H108	... M 35—59303 ...	50	Ruttonjee Hormusjee, Ahmedabad.
H109	... M 37—58895 ...	100	H. H. Brayson, Kurrachee.
M 37	... M 42—31076 ...	10	Hurdoonjee N. Coyajee, Bombay.
	M 50—52805 ...	10	

BOMBAY,
The 6th July 1880

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
117	... O 31—66687 ...	50	Babu Mutty Lal Halder.
120	... O 31—35343 ...	50	The Post Master General, Bengal.
	" —56509 ...	50	
	O 59—31049 ...	20	
	" —08889 ...	20	
	O 26—59885 ...	20	
	O 57—53805 ...	20	
	O 49—22878 ...	10	
	O 40—36885 ...	10	
	O 46—41988 ...	10	
	O 50—57919 ...	10	
	O 77—04615 ...	10	
	O 46—88329 ...	10	
	O 36—64827 ...	5	
121	... O 67—52913 ...	100	Superintendent A. Hogg.
122	... O 67—14162 ...	100	Moulvie Shah Latafut Hossein.
	" —94391 ...	100	
123	... O 67—79812 ...	100	Mr. R. L. Greenshields.
	" —99127 ...	100	
	O 68—52120 ...	100	
125	... O 75—34626 ...	10	Babu Bepin Behari Mukerjee.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
82	... O 24—67326	20	Babu Shib Chunder Auddy.
	" —67327		
83	... O 13—21841	10	Babu Girindra Nath Bose.
	" —21847		
84	... L 16—72652	5	Babu Shibo Das Mittra.
	" —17357		
85	... O 39—07656	10	Babu Sham Lall Burral.
	" —44453		
	L 31—89342	5	
	" —89320		
	L 16—14005	5	
	" —14006		
	L 21—51876	5	
	" —51878		
86	... O 60—08181	20	Babu Brojo Nath Borooah.
	" —08180		
87	... L 46—54314	20	Bhogaban Das and Ram Kissen Das.
	" —54315		
	L 15—83570	5	
	" —83571		
125	... O 67—91542 ...	100	Daibe Das.
126	... O 26—52354 ...	20	Mrs. H. B. Goodall.
127	... L 31—89466 ...	5	Babu Radha Nath Sircar.
128	... O 37—15369 ...	5	Babu Khetra Mohun Sen.
129	... O 67—08219 ...	100	Messrs. Octavius Steel & Co.
	" —44541 ...	100	
	" —48413 ...	100	
	" —63597 ...	100	
	" —68937 ...	100	
	O 66—84455 ...	100	
	" —99090 ...	100	
130	... O 57—06626 ...	20	Babu Shamaprosanno Bose.
131	... O 73—78396 ...	1,000	Babu Gour Chunder Sen.
	O 72—71094 ...	1,000	
132	... O 17—13227 ...	10	Nunha Khan.
	O 11—81209 ...	10	
	O 13—41038 ...	10	
133	... O 78—00349 ...	10	Abdool Aziz.
134	... L 91—37081 ...	20	The Offg. Collector, Moorshedabad.
	O 57—63167 ...	20	
	O 40—14192 ...	10	
	O 75—32734 ...	10	
	O 53—76150 ...	10	
	O 49—32862 ...	10	
	O 51—85005 ...	10	
135	... O 68—43085 ...	100	Colonel W. A. Franks.
136	... O 76—32164 ...	10	Corporal W. J. Hogan.
137	... O 68—61290 ...	100	Gopeschand Bothra.
138	... O 66—91466 ...	100	The Inspecting Post Master, Moradabad Division.
	O 68—40948 ...	100	
139	... O 31—60144 ...	50	Mr. J. H. Grant.
78	... L 55—87642 ...	5	Babu Krishnagobinda Das.
	" —87643 ...		
80	... O 75—60562 ...	10	Mr. W. H. Moore.
	" —60563 ...		
81	... A 67—79304 ...	10	Babu Troylucko Nath Ghose.
	A 77—49389 ...		
	L 28—77319 ...	5	
	" —94783 ...		

CALCUTTA,
The 9th July 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 12—23619 ...	1,000	The Deputy Collector in charge Huzur Accounts, Kurrachee.
" —25126 ...	1,000	
G 13—47061 *	5	Myadass, of Lahore.
" —47062 *		

* Mismatched.

KURRACHEE,
The 2nd July 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
50 ...	E 17—38186 ...	20	Gurditta Mull, Simla.
51 ...	E 15—75551 to „ —75566	50 each	Chowkata, Chowdry of Camels, Commissariat Department, Multan.
	E 2—45774 ...	500	
	„ —45775 ...	500	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
52 ...	E 12—95813 ...	20	Assa Sing, Dufadar, 2nd Bengal Cavalry, Segowlie.
74 ...	E 2—39361 ...	500	Major E. G. G. Hastings, Political Officer, Cabul.
	„ —39362 ...	500	
	„ —39363 ...	500	
82 ...	E 13—59579 ...	100	Manglada Shah and Kallian Das, Bankers, Kohat.
	„ —62685 ...	100	
	„ —05558 ...	100	

LAHORE,
The 3rd July 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
27 ...	B 60—13351 ...	10	C. Balasundra Mudali, Chittoor.
28 ...	B 47—02645 ...	5	T. Annaswami Mudali, Assistant Record-keeper, Pay Examiner's Office, Madras
	„ —02646 ...	5	
29 ...	B 57—61218 ...	20	Post Master General, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
47 ...	B 53—41453 ...	10	M. Motheen Sahib, Cloth Merchant, Big Petta, Bangalore.
48 ...	B 62—61583 ...	100	Mr. F. R. MacDonald, Bombay.
	„ —67937 ...	100	
49 ...	B 62—43856 ...	100	T. Thiruvengadachalam Mudali, No. 19, Cuddapah Rangayya Chetti Street, Madras.
50 ...	B 40—86291 ...	5	Esack Hajee Iyoob, No. 61, Armenian Street, Madras.
	B 46—86944 ...	5	
	„ —87995 ...	5	
	„ —92584 ...	5	
	„ —96227 ...	5	
	B 47—02305 ...	5	
	„ —03711 ...	5	
	„ —10996 ...	5	
	„ —18032 ...	5	
	B 52—37038 ...	10	
	B 56—96515 ...	10	
	B 60—49772 ...	10	
	B 57—61799 ...	20	
	„ —63577 ...	20	
	„ —70369 ...	20	
51 ...	B 61—12818 ...	50	Mr. P. Guard, Cherambadi.
52 ...	B 60—07214 ...	10	Kristappa of Kasundra, Tumkur Taluk.
53 ...	B 62—24048 ...	100	V. Venka Chetti, care of Chevur Kondareddi, Nellore.
54 ...	B 47—11605 ...	5	S. Narain Iyengar, No. 81, Sultan Petta, Bangalore.
55 ...	B 47—00095 ...	5	N. Rungaswami Nayadu, Madura.
	B 57—63722 ...	20	
11 ..	B 62—75129 } * „ —75126 }	100	S. Tippoo Sahib, Periamettu, Madras.

* Wrongly joined.

FORT SAINT GEORGE,
The 28th June 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Offg. Commissioner.

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
H1 ...	F 8—68154 ...	20	Bhagavatula Venketakrishna Rao, Classifier in the Revenue Settlement Department, Berhampore.

NAGPUR,
The 1st July 1880.

H. G. COWIE,
Depy. Commr. of Paper Currency, C. P.

POST OFFICE.

NOTIFICATIONS.

Simla, the 24th June 1880.

NOTICE TO THE PUBLIC.

With effect from the 1st August 1880, the rates of commission charged on the realization of the value of parcels and registered book packets sent under the "value-payable" system will be reduced to half what they now are and thereby assimilated to the rates of commission charged on the issue of money orders. The new rates will be as follows:—

On sums not exceeding	Rs.	10	...	Rs.	0	2
„	„	25	...	„	0	4
„	„	50	...	„	0	8
„	„	75	...	„	0	12
„	„	100	...	„	1	0
„	„	125	...	„	1	4
„	„	150	...	„	1	8

and 4 annas for every additional Rs. 25 or fraction thereof.

The value of the contents of a value-payable article will be limited to Rs. 600.

Value-payable articles may be addressed only to Post Offices which are Money Order Offices: and they may be posted only in Post Offices which are Money Order Offices. The former restriction limiting the posting of value-payable articles in Disbursing Post Offices is superseded.

The amounts realized from the addressees of value-payable articles less the commission chargeable thereon will be paid to the senders by means of money orders.

When a value-payable article is presented at a Post Office, it must be accompanied by a memorandum prepared by the sender in the prescribed form, printed copies of which may be obtained from the Post Office on application.

E. R. DOUGLAS,
Offg. Depy. Dir. Genl. of the Post Office of India.

Calcutta, the 9th July 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	10th July	From Bombay.†
Madras, Ceylon and the Intermediate Ports	6-30 „	12th „	Str. *Chinsurah*.
Persian Gulf	6-30 „	17th „	From Bombay.
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama	6-30 „	13th „	Do. do.
Australian Colonies	6-30 „	13th „	Do. do.*
Foreign Mails *viâ* Bombay	6-30 „	14th „	Do. do.
Do. Book post and pattern packets	6-30 „	13th „	Do. do.
Rangoon, Moulmein and Straits	6-30 „	15th „	Str. *Purulia*.†
Rangoon, Moulmein and Bassein	6-30 „	10th „	Str. *Arabia*.
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6-30 „	16th „	Str. *Busheer*.
Straits and Hong-Kong	6-30 „	14th „	Strs. *Japan* and *Moray*.
Port Blair and Camorta	6-30 „	10th „	Str. *Salsera*.
Chittagong, Akyab and Rangoon	6-30 „	10th „	Str. *Comillia*.

* Letters to Ceylon, intended for despatch by the Australian Mail Steamer, must be prepaid at the Indian packet rate, *viz.*, 2 annas per ½ oz., the portion of the line from Bombay to Galle being non-contract.

† Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6-30 P. M. precisely; after that hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

**List of Unclaimed Letters lying in the Calcutta Post Office on the 9th July 1880.*

Abdool Rohaman & Co.	Burns, W. H.	Honeyford, Mrs. T. V.
Andrews, S. J.	Burrows, A.	Jefferson, Mrs. L.
Angelo, H.	Byrne, J. O.	Kelly, John.
Barnard, W.	Capon, W. J. M.	Kelly, H. M.
Bernett, William J.	Caston, H. P.	Ledger, J. C. (Exe. Engr.)
Bird, C. E.	Condey, John (S.B.)	Macpherson, James.
Blair, E. D.	Connon, J.	Mahamed Hossin & Co.
Blume, W.	Connors, Mrs. A.	Molesworth, C.
Boote, J.	DaCosta, F.	Monoher Chundra Chuckerbutty (late of Hazaribagh).
Bowden, E. S.	Davis, G. W.	
Bower, W.	Davison, W.	
Bowser, R.	D'Cruze, Miss P.	
Boyle, J. G.	Dickson, G.	Murry, E.
Bradley, H. C.	Farlain, Mr.	Norton, B.
Branscombe, W. P. A.	Gibbons, H.	O'Brien, D.
Brengman, J.	Gorton, Mrs.	Pereira, J.
Brindwell, J.	Graham, Wallis.	Ross, F.
Broadhead, J. S.	Haswell, W. L.	Shaik Sherpeedeen.
Brown, J. E.	Hass, Miss.	Sargent, F. G.
Brown, H. W.	Heartly, Mrs.	Sarkies, Messrs. C. J.
Brown, Miss Mary.	Hensell, Miss K. A.	Smith, Mrs. B.
Buckland, T.	Higgins, J.	Thompson, Mrs.
Bulchart, A.	Hodges, H. W.	T. F.
Burnett, M.	Holmes, Mrs.	

Letters marked "Care of Post Office, to be kept till called for."

Akram Ally (khalasi).	Ismail (khalasi).	Seth, A.
Algers, Mr.	Kalser, August.	Seyers, Mademoiselle Victoria.
Anderson, C.	Kark, Mrs. E.	
Anderson, Signr. A.	Littlewood, J. H.	Schemidt, C.
B. F.	McCarthy, Mrs.	Shean, F. H.
Bond, Mrs. E.	Mecklen, Geo.	Sher Shah Moonshee.
Borillon, Mons. J.	Michael, G.	Silvestri, Signore E.
Braham, Mrs. Annie.	Nelson, N. C.	Smith, T. A.
Byford, H.	Norton, Miss A.	Smith, W.
"Carlos."	Owbridge, H. S.	Snow, A. Wilson.
Chamberlin, C.	Paul, R. C. (Searcher General.)	Steadman, Miss.
David, J. E.		Sterling, William.
Denson, Edwin.	Pearce, Mrs.	Sutton, Revd. G.
Deseso Conte.	Phulan, T. W.	Temple, Miss E.
Douglas, J. W.	Powell, C.	Thomson, John.
Fanny, Khyn.	Priscilla, B.	Twiner, H. D.
Foster, Frederick Augustus.	Reid, R.	Warde, Mrs.
	Robinson, Geo.	Wight, C. F.
Fullam, J. P.	Rourke, G.	Wilkinson, W. T.
Haly, J. James.	Rua, Signor Oquisante.	Williamson, J. R.
Hayward, Miss Isabella.	Sanders, J. H.	Wilson, J. (M.D.)
Hillson, Mrs. F. F.	Seecunder.	Wood, W.
Howards, Capt. F. C.	Sellier, Madame.	Young, Colonel W. S.
Innis, G. R.		

Newspapers.

Anderson, Charles.	Haly, J. J.	Wilkinson, W. T.
Buchanan, Baverly.	Richard, John.	Wilson, J. H.
Donaldson, J. Y.	Thompson, John.	

Registered Letters.

Beehan, Mrs. T. T.	Lane, C. (Retired List).	Peppe Goldstein, Madame.
Gasper, C. G.	Lingard, Mrs. F.	
Hanson, Mrs. E. M.	Marie Kullen, Madam.	Pierie, Mrs.
May, Napier J. L.	Parish, C. H.	Rowden, Mrs. T.
		Rozevet, Mr.

E. C. GEORGE,
Presidency Post Master.

Department Public Works Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department, will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 2nd August 1880, and the following days. Applications, with fees for admission to the examination, are required to be filed before the 15th of July 1880. Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

The following are the centres of examination sanctioned by the Government of India as stations where candidates for 4th Grade Accountantships are to appear for examination:—

Agra, Ajmere, Ahmedabad, Allahabad, Akyab, Bolaram, Howrah, Durbhanga, Darjeeling, Indore, Jabalpore, Lucknow, Lahore, Mhow, Mooltan, Mount Aboo, Meerut, Nagpore, Neemuch, Rawulpindi, Rangoon, Shillong, and Simla.

Candidates for the Accountant's examination are therefore requested to select one of the places mentioned above.

S. F. DOWNING,
Principal, Govt. Engrg. College, Howrah.

HOWRAH,
The 12th June 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنت سنکونا فبري فیوج ،

یہہ دوا کوئیناٹین کے خوب قایم مقام ھی اور کلکتہ کے بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے ھرایک ملازم سرکاري واسطے سرکاري کام اور خیرات کے اور سیواے اونکے جوکوئي ایک مشت بیس پونڈ خرید لینے سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ھین یعنے نرخ چار اونس کے ٹین کا چار روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا آٹھہ روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ ،

اور عوام‌الناس بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے ھین یعنے نرخ چار اونس ٹین کا پانچ روپیہ آٹھہ آنہ ; آٹھہ اونس کے ٹین کا دس روپیہ آٹھہ آنہ ; ایک پونڈ کے ٹین کا بیس روپیہ ،

یہہ دوا کلکتہ کے بڑے بڑے ولایتي اور دیسي دواخانونمین بکتي ھی ماسیواے قیمت مذکورۂ بالا کے محصول ڈاک چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ ،

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	REMARKS.
			Rs.	
Bull's Dredgers	39	1½ cubic feet	40	These have been used, but are in good condition.
Ditto	113	2½ ditto	65	
Ditto	9	8 ditto	120	
Ditto	50	1½ ditto	75	These have never been used.
Ditto	22	2½ ditto	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0

	Rs.	A.	P.
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set:

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Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, Rs. 30; packing and postage, Re. 1-4.*

Further Notes on the Rungpore Records. Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, Re. 1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, Rs. 5; postage, 4 annas.*

Selections from Divisional and District Annual Administration Reports, 1872-73, with the Government Resolutions on them. *Price, Rs. 5; postage, 6 annas.*

Selections from the Supplement to the *Calcutta Gazette*, 1871 to 1874. *Price, Rs. 2-8; postage, 3 annas.*

Progressive Colloquial Exercises in the Lushai Dialect of the Dzo or Kuki Language. With Vocabularies and Popular Tales (notated). By Captain THOMAS HERBERT LEWIN, B.S.C., Deputy Commissioner, Chittagong Hills. *Price, Rs. 6; postage, 3 annas.*

Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, Rs. 3; postage, 3 annas.*

Descriptive Ethnology of Bengal. By EDWARD TUITE DALTON, C.S.I., Colonel, Bengal Staff Corps; Commissioner of Chutia Nagpur; Member of the Asiatic Society of Bengal, &c. *Illustrated by Lithograph Portraits copied from Photographs.* Printed for the Government of Bengal, under the direction of the Council of the Asiatic Society of Bengal.

Price—Bound copies ...	... Rs. 45 0 0
„ Unbound copies ...	... „ 35 0 0

The Statistical Reporter, edited by H. J. S. COTTON, Junior Secretary to the Government of Bengal.

Vol. I, bound in full cloth, lettered	... Rs. 10 0 0
Vol. II, ditto ditto	... „ 10 0 0
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Annual Statement of the Sea-borne Trade and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, Rs. 12; postage, 10 annas.*

Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, Rs. 1; postage, 1 anna.*

The Book named below having been declared a part of the obligatory equipment of Emigrant vessels, is now obtainable at the Bengal Secretariat Press at the price noted:—

West India Pilot, Vol. II	... Rs. 6 0 0

☞ *Cash must be sent with order.*

Apply to Accountant, Bengal Secretariat, 28, Chowringhee Road, Calcutta.

Rates of Subscription to the "Calcutta Gazette."

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 17, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 15th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By order of Government, all subscriptions must be paid in advance.

	Rs.	A.	P.
Subscription for *Gazette* and Supplement per annum	15	0	0
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For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN,
Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 8 of 1880.

INDIA—WEST COAST.
DABHOL OR ANJANVEL.

Fixed Light at Tolkeshwar.

Notice is hereby given that a light will be exhibited on Tolkeshwar headland (the south shore of Dabhol creek, known also as Anjanvel or Gopalgad creek) from the 1st October to 1st June, commencing on the 1st October 1880.

The light will be a white fixed, elevated 333 feet above the level of high water, and should be visible in clear weather through an arc of 178°, or between the bearings N. by W. ½ W. (nearly), and S. by E. ½ E., from a distance of about 15 miles.

The column, or post, from which the light will be exhibited, is constructed of iron, is 6 inches in diameter, 24 feet high, and painted white; it is enclosed at its base by a circular iron house, also painted white, and is situated about 100 yards W. by S. from Tolkeshwar temple.

The illuminating apparatus is dioptric, or by lenses, of the fifth order.

POSITION:—Lat. 17°33′50″ N., Long. 73°7′45″ E.

[*Bearings are Magnetic and from seaward. Variation 1°0′ Easterly in 1880.*]

By Direction of the Government of India,
A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*),
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 10th July 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 788, 2736, 826 and 748b. Sailing Directions, West Coast

of Hindostan Pilot, page 121; and Light List for 1880.

INDIAN MARINE SURVEY Charts, Nos. 1234 and 15. Hydrographic Notice, No. 20. Taylor's Sailing Directory, Vol. I, page 387; and Light List for 1880.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 12th July 1880.

No. 13.—Mr. F. G. Maclean, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for one month and nineteen days, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 23rd April 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 9th July 1880.

No. 20.—Under Act 22 of 1876, Section 3, the Council of the Asiatic Society of Bengal has appointed Mr. A. Pedler a Trustee of the Indian Museum, in the place of Mr. J. Crawfurd, left for England.

By Order of the Trustees,
H. B. MEDLICOTT,
Honorary Secretary, Trustees, Indian Museum.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 8th July 1880.

No. 178.—Mr. W. H. D. Ewing, Probationary Assistant Surveyor, 4th Grade, is granted two months' leave on medical certificate, with effect from the forenoon of the 2nd instant.

The 12th July 1880.

No. 179.—Mr. H. E. T. Keelan, Surveyor, 2nd Grade, is granted two months' privilege leave, with effect from the 11th August next.

No. 180.—Mr. F. E. Warde, Assistant Surveyor, 2nd Grade, is granted one month's privilege leave, with effect from 1st instant.

The 13th July 1880.

No. 181.—Mr. A. W. Smart, Assistant Surveyor, 3rd Grade, is granted three months' leave on medical certificate under Section 4, Supplement F, of the Civil Leave Code, with effect from the forenoon of the 5th instant.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 10th July 1880.

No. 1855 *S.*—Mr. J. W. Brassington, Executive Engineer, Mayo College Division, returned to his duties from the three months' privilege leave on the forenoon of the 2nd July 1880.

Mr. Bhagat Singh, Assistant Engineer, and Mr. J. W. Brassington, respectively, delivered over and received charge of the Mayo College Division, on the forenoon of the 2nd July 1880.

By Order,
J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General, and Chief Commr., in the P. W. D., Rajputana.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 7th July 1880.

No. 16.—Major T. O. Wingate, Executive Engineer, is transferred from the Morar Division, Military Works, to the Bareilly Division, Military Works. Major Wingate reported his departure from Morar on the 7th May 1880, and joined the Bareilly Division on the 8th June 1880.

The transfer is made in the interests of the public service.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 12th July 1880.

No. 1501.—With reference to Inspector General of Military Works' Notification No. 29, dated 30th June 1880, posting Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, to the Rawalpindi Command, Military Works, this Officer is posted to the Rawalpindi Division, Military Works.

H. McV. CRICHTON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 7th July 1880.

No. 91.—Lieutenants J. Neville and S. A. E. Hickson, R.E., and Messrs. J. A. Lewin and F. H. Collett, Assistant Engineers, have passed the professional examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16—18.

No. 92.—Messrs. S. Rebsch, J. A. Lewin, C. J. Cole and F. H. Collett, Assistant Engineers, have passed the colloquial examination in Hindustani.

The 8th July 1880.

No. 93.—With reference to Government of India, Public Works Department, Notification No. 220, dated 3rd instant, the under-mentioned posting is made:—

Mr. F. Finch, Store-keeper, 2nd Grade,—to the Indus Valley State Railway.

The 10th July 1880.

No. 94.—Referring to this Office Notification No. 37, dated 25th February 1880, Mr. J. Elston, Assistant Engineer, 1st Grade, has been granted by Her Majesty's Secretary of State for India a further extension of three months' leave on medical certificate.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY.

NOTIFICATION.

Mooltan, the 20th June 1880.

No. 31.—With reference to Consulting Engineer's, Lahore, Notification No. 9, dated 17th June 1880, Mr. J. Barron, Executive Engineer, 3rd Grade (temporary rank), reported his arrival at Mooltan on the afternoon of 7th May 1880, and is posted to special duty of verifying the stock of this line.

R. T. MALLET,
Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Mooltan, the 9th July 1880.

No. 11.—Mr. I. Sherlock Hubbard, Deputy Examiner of Accounts, Indus Valley State Railway, reported his departure on three months' privilege leave, granted in Public Works Department Notification No. 99, dated 18th March 1880, on the forenoon of 26th April 1880.

No. 12.—Mr. W. H. Freeman, Assistant Traffic Superintendent, transferred temporarily to the Punjab Northern State Railway, in Consulting Engineer's Notification No. 11, dated 25th June 1880, was relieved of his duties on the Indus Valley State Railway, on the afternoon of 28th June 1880.

T. B. B. SAVI, *Captain, R.E.,*
Offg. Manager.

INDUS VALLEY STATE RAILWAY.

WANTED

Four Pay Clerks for Indus Valley and Kandahar State Railways. Pay Rs. 60—4—80, with usual travelling allowances.

None need apply who cannot deposit Rs. 3,000 to Rs. 5,000, either in cash or Government Promissory Notes.

Apply to—

PAYMASTER,
Indus Valley State Railway, Mooltan.

NIMACH-NASIRABAD STATE RAILWAY, Southern Section.

NOTIFICATIONS.

Nimach, the 8th July 1880.

No. 23.—With reference to Government of India, Public Works Department, Notifications Nos. 156 and 157 of 15th May 1880, Mr. H. Bell, Superintending Engineer, 2nd Grade (temporary rank), availed himself of the furlough granted to him, and Mr. W. B. Carter, Executive Engineer, 1st Grade, assumed charge as Engineer-in-Chief of the Southern Section, Nimach and Nasirabad State Railways, on the forenoon of the 5th instant.

The 9th July 1880.

No. 24.—Mr. J. W. Buyers, Executive Engineer, 1st Grade, on return from the two months and twenty-three days' privilege leave granted to him in Notification No. 7, dated 24th March 1880, resumed charge of the 1st Division, Nimach-Nasirabad State Railway, from Mr. W. B. Carter, Executive Engineer, 1st Grade, on the forenoon of the 7th July 1880.

The unexpired portion of his leave, *viz.*, four days, is hereby cancelled.

WM. B. CARTER,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Lahore, the 6th July 1880.

No. 9.—Mr. C. J. Keene, Traffic Superintendent, is granted three months' privilege leave from the 1st July, or from such subsequent date as he may avail himself of the same.

The 8th July 1880.

No. 10.—With reference to Consulting Engineer's Notification No. 13 of 23rd July 1879, Mr. A. B. Thomson, Locomotive Superintendent, returned from the three months' privilege leave therein granted on the forenoon of the 18th October 1879, and resumed charge of the duties of Locomotive Superintendent from Mr. F. J. Ivens, Assistant Locomotive Superintendent, from the forenoon of the 21st idem.

No. 11.—With reference to Consulting Engineer's Notification No. 11, of 25th June 1880, Mr. W. H. Freeman, Assistant Traffic Superintendent, reported his arrival in this Railway on the forenoon of the 1st July 1880, and took over charge of the Office of Traffic Superintendent of this line, from Mr. C. J. Keene, Traffic Superintendent, on the afternoon of the 5th current.

The 9th July 1880.

No. 12.—With reference to Manager's Notification No. 9 of 7th July 1880, Mr. C. J. Keene, Traffic Superintendent, availed himself of the three months' privilege leave therein granted, from the forenoon of the 6th current.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Agra, the 9th July 1880.

No. 16.—CORRIGENDUM.—In Manager's Notification No. 7, dated 23rd March 1880, *for* "on the forenoon of the 10th March 1880," *read* "on the forenoon of the 8th March 1880."

W. S. S. BISSET, *Capt., R.E.,*
Manager.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following changes in the Regulations in Arts, Law, Medicine and Engineering having been sanctioned by the Senate and approved by His Excellency the Governor General in Council, are published for general information :—

The following foot-note has been appended to the word "school" in the marginal note to the Entrance Certificate (Appendix A) :—

"It is in the power of the Syndicate to refuse to recognize any school unless it is certified by a Government Inspector of Schools, as having been in existence since the 1st of March next preceding the Examination, and as qualified to teach up to the Entrance Standard."

In paragraph 9 of the Regulations for Honours in Arts, the words "History of Philosophy" have been substituted for the words "Natural Theology," and the words "(a) Natural Theology" for the words "(a) History of Philosophy."

In paragraph 6 of the Regulations for the Licence in Medicine and Surgery for the words "the Syndicate shall notify, three months before the examination, the portions of the subjects of Chemistry and Botany in which candidates shall be examined," the following words have been substituted :—

"The Syndicate shall notify three months before the Examination the portions of Botany in which candidates shall be examined."

For the words "on the first Monday in December," in paragraph 1 of the Regulations for the Entrance Examination; for the words "on the morning of the fourth Monday after the examination," in paragraph 7 of the same Regulations; for the words "on the first Monday in December," in paragraph 1 of the Regulations for the F. A. Examination; for the words "on the morning of the fourth Monday after the examination," in paragraph 7 of the same Regulations; for the words "in the first week in January," in paragraph 1 of the Regulations for the Bachelor of Arts Examination; for the words "on the morning of the fourth Monday after the examination," in paragraph 7 of the same Regulations; for the words "in the first week in February," in paragraph 1 of the Regulations for Honours in Arts; for the words "on or before the 31st day of December," in paragraph 4 of the same Regulations; for the words "on or before the 1st of January," in paragraph 2 of the Regulations for the examination for the degree of Master of Arts; for the words "in the first week in January," in paragraph 1 of the Regulations for the degree of Bachelor in Law; for the words "in the first week in March," in paragraph 1 of the Regulations for the examination for Honours in Law; for the words "in the last week of March," in paragraph 1 of the Regulations for the Licence in Medicine and Surgery, and in paragraph 1 of the Regulations for the degree of Bachelor in Medicine; for the words "in the first week of April," in paragraph 1 of the Regulations for the degree of Doctor in Medicine; for the words "in the first week of May," in paragraph 1 of the Regulations for the Licence in Civil Engineering, and in paragraph 1 of the Regulations for the degree of Bachelor in Civil Engineering; and for the words "in the first week of June," in paragraph 1 of the Regulations for Honours in Civil Engineering, the following words have been substituted —

"At such time as the Syndicate shall determine, the date to be approximately notified in the calendar for the year."

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 24th June 1880.

The following Text-book in English Literature has been appointed for the Entrance Examination of 1881 :—

Readings from English History selected and edited by John Richard Green, Part III.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 10th July 1880.

WANTED

A Draftsman for six months, salary Rs. 50 per month.

He must be competent to take out quantities and check measurements of Estimates from the Drawings.

Apply, with copies of testimonials, which will not be returned, to the Executive Engineer, Military Works, Morar.

Replies will not be sent to unsuccessful applicants.

J. H. CROWDY, *Major, R.E.,*
Executive Engineer,
Morar Division, Military Works.

MORAR,
The 5th July 1880.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th June 1880.

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	Transfer Loan of 1879, seven shillings sterling per cent. portion.	5 per cent. Debenture for 15 years, re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 15th June 1880	54,100	38,506	2,346	15,46,880	30,90,700	2,54,12,000	1,12,57,600	1,87,83,000	3,18,25,500	47,68,600	4,38,000	97,77,400	8,66,77,400	1,01,700	34,05,000	67,800	1,48,200	19,73,94,732
Add—																		
Amount enfaced at Madras between 16th and 30th June 1880	...	...	...	...	...	...	...	18,700	...	...	...	...	...	...	...	...	...	18,700
Amount enfaced at Bombay between 16th and 30th June 1880	...	...	...	...	...	700	...	6,000	...	...	...	11,000	42,900	...	...	...	...	60,600
Amount enfaced at Calcutta between 16th and 30th June 1880	...	...	...	...	...	27,200	500	48,800	...	5,000	5,000	...	2,78,500	...	9,000	...	...	3,74,000
	54,100	38,506	2,346	15,46,880	30,90,700	2,54,39,900	1,12,58,100	1,88,56,500	3,18,25,500	47,78,600	4,43,000	97,88,400	8,69,98,800	1,01,700	34,14,000	67,800	1,48,200	19,78,48,032
Deduct—																		
Amount written off in the London Registers	...	...	...	...	...	2,57,100	1,07,600	2,95,100	2,74,500	...	...	...	38,000	...	...	...	...	9,72,300
Balance on 30th June 1880	54,100	38,506	2,346	15,46,880	30,90,700	2,51,82,800	1,11,50,500	1,85,61,400	3,15,51,000	47,78,600	4,43,000	97,88,400	8,69,60,800	1,01,700	34,14,000	67,800	1,48,200	19,68,75,732

NOTE.—From 9th June 1867 to 30th April 1880, enfaced from India, 3,890 lakhs; re-transferred from London, 3,248 lakhs.
,, 1st May 1880 to 15th May ,, ,, ,, 28 ,, ,, ,, 16 ,,
,, 16th ,, ,, to 31st ,, ,, ,, 19 ,, ,, ,, 9 ,,
,, 1st June ,, to 15th June ,, ,, 34 ,, ,, ,, 13 ,,
,, 16th ,, ,, to 30th ,, ,, ,, 4 ,, ,, ,, 9 ,,

3,915 lakhs. 3,295 lakhs.
3,295 ,,
Balance against India . 620 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 12th July 1880.

2 b

TREASURE TROVE.

It is hereby notified under Section 5 of "The Indian Treasure Trove Act (VI of 1878)," that, on the 21st May 1879, treasure consisting of 20 pagodas (gold coins), a gold ring, and a nose jewel, valued at Rs. 88-8, was found in the premises of Pallapotu Pitchugadu, in the village of Tangella, in the Kandukur Taluk, in the Nellore District, in the Madras Presidency.

All persons claiming the treasure, or any part thereof, are requested to appear personally or by agent before the Collector of Nellore, at his Office, on the 18th day of November 1880, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

———,
Acting H. A. Collector,
for *Acting Collector.*

NELLORE COLLECTOR'S OFFICE,
The 23rd June 1880.

Report of a Deserter from the B Battery, 4th Brigade, Royal Artillery, dated at Allahabad, this 9th day of July 1880.

Name,—Fred. Coyle.
Age,—28 years 2 months.
Size,—5 feet 7 inches.
Color of—
Complexion, fresh; hair, sandy; eyes, grey.
Peculiar Marks by which his identity may be ascertained,—Star and bowie knife on left breast, tattooing both arms and hands.
Date of Desertion,—8th July 1880.
From whence deserted,—B-4th R.A., Allahabad.
Date of Attestation,—9th December 1879.

Place of Enlistment,—Portsmouth.
Parish where Born,—Norwich.
County,—Cheshire.
Former Trade or Occupation,—Fireman.
Dress at the time of Desertion,—
Coat or Jacket,— } Regimental white clothing.
Waistcoat,— ...
Breeches or Trowsers,— ...
REMARKS, stating any particular circumstances attending his desertion,—None.

A. E. GARNAULT, *Major, R.A.,*
Commdg. B-4th R.A.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 5	...	1,21,865	...	...	77,50,552	45,35,377
„ 6	4,64,800	1,20,712	...	4,64,800	77,50,690	44,12,346
„ 7	12,400	2,04,356	...	4,77,200	77,60,869	42,14,209
„ 8	...	39,852	...	4,77,200	76,64,167	41,74,734
„ 9	...	1,02,834	...	4,77,200	76,67,814	40,73,407
„ 10	...	75,436	...	4,77,200	75,69,210	39,96,960

CALCUTTA MINT,
The 12th July 1880.
J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 15th July 1880 ... Rs. 61,33,887-7-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 16th July 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Akola Circle.

NOTES PARTIALLY LOST OR DESTROYED.

	No. of Notes.	Value.	Name of Claimant.
		Rs.	
	K 4—23448 ...	100	Wani Mahadeo Babajee, Shop-keeper, Malegaum.
	K 3—18252 ...	50	Luxuman K. Chiplunker, Schoolmaster, Akola.
	„ —18253 ...	50	

AKOLA,
The 13th July 1880.

C. W. A. DAVIES,
Asstt. Commr. of Paper Currency.

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
197 ...	D 12—29626 ...	5	Baboo Jagadishwar Chatterjee, Ghazipur.
	D 16—22242 ...	10	
	D 14—43021 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
122 ...	D 12—28209 ...	5	Hanuman Prasad, Allahabad.
	„ —28210 ...	5	
123 ...	D 12—20348 ...	5	Mr. C. W. T. Seyers, Mussoorie.

ALLAHABAD,
The 14th July 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W46 ...	M 50—03119 ...	10	S. Rose & Co., Bombay.

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H111 ...	M 47—46330 ...	10	Shri Krishna Ranchode, Kapadvanj.
	M 50—47367 ...	10	
	„ —49226 ...	10	
	„ —50157 ...	10	
	M 49—92378 ...	10	
H112 ...	M 47—06309 ...	10	Robert Higgie, Sahur Muttee.
H113 ...	M 35—31585 ...	50	Mahomed Hoosain, Jabalpur.
H114 ...	M 34—74040 ...	20	Motee Ram, Jhelam.
	„ —87052 ...	20	
M39 ...	M 7—58915	5	Krishnarao Sadasive, Sholapur.
	„ —58916		
M40 ...	M 32—69567	10	Bhimji Ramji Dalal, Bombay.
	„ —69569		

BOMBAY,
The 13th July 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
126 ...	O 31—65018 ...	50	The Agent, Chartered Bank of India, Australia and China.
128 ...	O 68—56156 ...	100	Messrs. Matthews & Sen.
129 ...	O 68—51797 ...	100	Mr. H. F. Drummond.
	O 31—64303 ...	50	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
88 ...	L 48—34516 ...	20	The Assistant Superintendent in charge Calcutta Signal Office.
	„ —34519 ...		
	L 32—09059 ...	10	
	„ —09061 ...		
	L 87—79739 ...	10	
	„ —79758 ...		
	L 34—29481 ...	10	
	„ —29482 ...		
	L 54—65571 ...	5	
	„ —65574 ...		
	L 9—74118 ...	5	
	„ —74027 ...		
	L 31—32868 ...	5	
	„ —30468 ...		
89 ...	O 48—04204 ...	10	Babu Gopal Chunder Roy.
	„ —04203 ...		
90 ...	L 46—75756 ...	20	Babu Chandra Nath Mukerjee.
	„ —75759 ...		
91 ...	O 59—02102 ...	20	Babu Ishan Chundra Gupta.
	„ —02103 ...		
140 ...	O 68—66788 ...	100	Munnoo Lal Chuni Lal.
141 ...	O 18—49285 ...	10	Miss Kelly.
142 ...	O 47—03698 ...	10	Dr. F. R. Lloyd.
143 ...	O 31—41321 ...	50	The Superintendent of Central Prison, Agra.
144 ...	O 73—77590 ...	1,000	Shaheb Ram Goburdhun Das.
	O 70—55601 ...	500	
	O 68—55898 ...	100	
	„ —16273 ...	100	
	„ —49841 ...	100	
	O 67—94202 ...	100	
145 ...	O 37—49184 ...	5	Babu Gopal Chunder Chatterjee.
	„ —69207 ...	5	
146 ...	O 36—06737 ...	5	Babu Petambur Singh.

CALCUTTA,
The 16th July 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 5—99030 ...	20	Commissioner, Madras, for Inspector of Post Office, Bangalore Division.

NOTES PARTIALLY LOST OR DESTROYED.

	Rs.	
J 8—09283 ...	5	Esack Hajee Iyoob, Door No. 61, Armenian Street, Madras.
J 9—45728 ...	10	
J 12—00587 ...	50	Mohamed Silanghtulla, No. 19, Varadamuthiappen Street, Black Town, Madras.
J 9—29198 *	10	M. P. C. Rosario, Pleader, District Court, Mangalore.
„ —29199 *		

* Wrongly joined.

CALICUT,
The 7th July 1880.

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
52 ...	E 2—44647 ...	500	Baboo Poorno Chunder Mazumdar, Calcutta.
54 ...	E 16—34556 ...	10	Ram Kishen Vishnoo, Rajanpur.
	„ —58015 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
[illegible] ...	E 17—27651	20	Jagannath, Lahore.
	E 12—27651		
[illegible] ...	E 16—23359 ...	10	Madho Ram, Agra.
	E 17—13223 ...	20	
[illegible] ...	E 15—56808 ...	50	Lieutenant J. McDonnall R.H.A., Meerut.

LAHORE,
The 10th July 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
30 ...	B 47—18202 ...	5	Mr. T. Shortt, Goods Office, Madras Railway, Raichore.
	B 60—63897 ...	10	
	B 57—75220 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
34 ...	B 62—43512 ...	100	Jivaji Malhar Deshpandl, Kotur Taluk, Dharwar
56 ...	B 60—50250 ...	10	Sanjoo Aragaswami Chettiar, Palamcottah.
57 ...	B 46—13873 ...	5	The Deputy Commissioner, Bangalore District.
58 ...	B 46—30252 ...	5	B. G. Manikam Mudali, Depôt Store-keeper, Arkonam.
59 ...	B 57—66283 ...	20	R. Vijiaraghava Pillai, No. 6, Varadamutiappen Street, Black Town, Madras.

FORT SAINT GEORGE,
The 5th July 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Offg. Commissioner.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
H7 ...	F 7—92312 ...	10	Gaurur Chand, Cash-keeper, Jaitmall Banker, Nagpur.
	F 13—36348 ...	5	

NAGPUR,
The 8th July 1880.

H. G. COWIE,
Asstt. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 24th June 1880.

NOTICE TO THE PUBLIC.

With effect from the 1st August 1880, the rates of commission charged on the realization of the value of parcels and registered book packets sent under the "value-payable" system, will be reduced to half what they now are, and thereby assimilated to the rates of commission charged on the issue of money orders. The new rates will be as follows:—

On sums not exceeding	Rs.	10	...	Rs.	0 2
„	„	„ 25	...	„	0 4
„	„	„ 50	...	„	0 8
„	„	„ 75	...	„	0 12
„	„	„ 100	...	„	1 0
„	„	„ 125	...	„	1 4
„	„	„ 150	...	„	1 8

and 4 annas for every additional Rs. 25 or fraction thereof.

The value of the contents of a value-payable article will be limited to Rs. 600.

Value-payable articles may be addressed only to Post Offices which are Money Order Offices: and they may be posted only in Post Offices which are Money Order Offices. The former restriction limiting the posting of value-payable articles in Disbursing Post Offices is superseded.

The amounts realized from the addressees of value-payable articles less the commission chargeable thereon will be paid to the senders by means of money orders.

When a value-payable article is presented at a Post Office, it must be accompanied by a memorandum prepared by the sender in the prescribed form, printed copies of which may be obtained from the Post Office on application.

The 9th July 1880.

No. 4076.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, CENTRAL INDIA.

Mr. W. J. Ham has been appointed *sub. pro tem.* Chief Inspector of Post Offices, Central India.

POSTAL CIRCLE, MADRAS.

Mr. G. E. Walker has been appointed Inspector of Post Offices, Mount Division, *vice* Mr. Kinsley, deceased.

POSTAL CIRCLE, BRITISH BURMA.

Mr. E. deC. Williams has been appointed to act as Chief Inspector of Post Offices, British Burma, *vice* Mr. J. W. Barwise.

POSTAL CIRCLE, BOMBAY.

Mr. Moreshwar Raghoba has been appointed to act as Inspector of Post Offices, Guzrat Division, *vice* Khan Saheb Cursetji Pallonji.

Mr. Cowasji Jamshedji has been appointed Superintendent, Post Master General's Office, Bombay, *vice* Rao Saheb Gunpat Rao Raghoba, deceased.

Mr. R. Oliver has been appointed *sub. pro tem.* Post Master, Aden, *vice* Mr. L. G. Wait.

Mr. V. M. Cabral has been appointed Assistant Post Master, Bombay General Post Office.

Mr. Narain Chimnaji has been appointed to act as Supernumerary Inspector, *vice* Moreshwar Raghoba.

Mr. H. J. Hewett has been appointed to act as Marine Officer, *vice* Mr. R. Oliver.

Mr. G. A. F. Bennett has been appointed to act as Marine Officer, *vice* Mr. H. J. Hewett.

Mr. E. Jardine has been appointed to act as Marine Officer, *vice* Mr. F. Ingle.

Mr. Dinsha Jijibhai has been appointed Inspector, Post Offices, Kanawar Division.

Mr. Moreshwar Raghoba has been appointed Supernumerary Inspector.

Mr. C. H. Watts has been appointed to act as Marine Officer, *vice* Mr. L. P. Walsh.

E. R. DOUGLAS,
Offg. Depy. Dir. Genl. of the Post Office of India.

Calcutta, the 16th July 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	24th July	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	19th „	Str. *Malda.*
Madras and Ceylon . . .	6-30 „	19th „	P. & O. Str. *Deccan**.
Foreign Mails *viâ* Bombay . .	6-30 „	21st „	From Bombay.†
Do. Book post and pattern packets	6-30 „	20th „	Do. do.
Rangoon and Moulmein . .	6-30 „	22nd „	Str. *Kilwa.*
Chittagong, Akyab and Rangoon	6-30 „	23rd „	Str. *Madras.*
Madras, Ceylon, Batavia, Singapore and China . . .	6-30 „	23rd „	French Str. *Meinam.*
Persian Gulf	6-30 „	17th „	From Bombay.

* The postage on letters to Madras and to Ceylon intended for despatch by P. & O. Steamer is 3 annas per ½ oz. Prepayment is optional and registration available.

† Also *viâ* Aden, Mails for Mauritius, Mahé (Seychelles), Réunion, Nosse Bé and Moyotte can be forwarded.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which our foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 16th July 1880.

Andrews, S. J.
Angelo, H.
Asps, H. J.
Barrett, Mrs. E.
Barrow, E. J.
Bennett, William J.
Bholanath Dhur.
Boyd, A. G.
Brown, G. S.
Brown, F. R.
Bulchart, A.
Burgess, Miss E.
Burns, A.
Collins, Miss Mary.
Catania, C. A.
Calama, A. F.
Cahill, J.
Chally, C.
Clements, W. P.
Condey, John (R.M.)
Connon, J.
Evans, John.
Forbes, G.
Fastings, J. F.
Gomes, W. E.
Godwins, Miss L. M.
Gadding, Mrs.
Graham, Mrs. W.
Hay, J. L. Napier.
Hensell, Miss K. A.
Honeyford, Mrs. T. V.
Jamur Mulliek & Co.
Jefferson, Mrs. L.
Ledger, J. C. (Exe. Engr.)
Leoppold, E.
Macpherson, D.
Mahamed Hossin & Co.
Mclntosh, R.
Millington, B.
Moro, F. S.
Monoher Chundra Chuckerbutty (late of Hazaribagh).
Murry, E.
O'Brien, D.
Poyntz, Miss.
Roe, W. & T.
Salter, Miss H.
Sarkies, Messrs. C. J.
Smith, Mr. G.
T. F.
White, Mrs. B.

Letters marked "Care of Post Office, to be kept till called for."

Anderson, C.
Anderson, Signr. A.
B. F.
Bond, Mrs. E.
Borillon, Mons. J.
Brown, Miss Mary.
Braham, Mrs. Annie.
Brewer, T. S. M.
Byford, H.
Connor, Mrs. M.
"Carlos."
Chamberlin, C.
Denson, Edwin.
Deseso Conte.
Douglas, J. W.
Dionysius, Haddens.
Ginder, Duncan.
Haly, J. James.
Hayward, Miss Isabella.
Hilton, Mrs. F. F.
Innis, G. R.
Jackson, W.
Kaiser, August.
Kark, Mrs. E.
Kelly, F. J.
Macintosh, G. G.
Mecklen, Geo.
Miller, Mrs. Annie.
Moncrieff, James.
Michael, G.
Nelson, N. C.
Norton, Miss A.
Owbridge, H. S.
Paul, R. C. (Searcher General.)
Phulan, T. W.
Powell, C.
Priscilla, R.
Reid, R.
Robinson, Geo.
Rourke, G.
Seccunder.
Seillier, Madame.
Seth, A.
Seyers, Mademoiselle Victoria.
Schemidt, C.
Shaik Sherfuden.
Sher Shah, Moonshe.
Silvestri, Signore E.
Smith, T. A.
Snow, A. Wilson.
Steadman, Miss.
Sterling, William.
Stuart, F.
Strathmore, Miss W.
Sutton, Revd. G.
Temple, Miss E.
Thomson, John.
Twiner, H. D.
Warde, Mrs.
Wight, C. F.
Wilkinson, W. T.
Wood, W.
Young, Colonel W. S.

Newspapers.

Anderson, Charles.
Buchanan, Baverly.
Denson, Edwin.
Donaldson, J. Y.
Haly, J. J.
Richard, John.
Thompson, John.
Wilkinson, W. T.
Wilson, J. H.

Registered Letters.

Beahan, Mrs. T. T.
Brown, Miss Mary.
Cayne, James.
Gasper, C. G.
Hanson, Mrs. E. M.
Hicks, W. F.
Hay, Napier J. L.
Lane, C. (Retired List).
Lingard, Mrs. F.
Liddiard, Sergt. W.
Marie Kullen, Madam.
Peppe Goldstein, Madame.

E. C. GEORGE,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8 ;* per eight ounce tin, *Rs. 8-8 ;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8 ;* per eight ounce tin *Rs. 10-8 ;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گاردن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اوسكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانكل گاردن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه ٬

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه ٬

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Bull's Dredgers .	39	1¼ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	60	1½ ditto .	75	These have never been used.
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Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
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HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
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Chaul and Entrance to Kundalika River. *Re. 1.*
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Jaygad and Entrance to Shastri River. *Re. 1.*
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Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations. *Re. 1.*
Coconada to Bassein River. *Re. 1.*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Anchorage. *Re. 1.*
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False Point to Mutlah River, showing the approaches to Sandheads. *Re. 1.*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Coronge Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Coast of Tenasserim—Tavoy River. *Re. 1.*
Port Mouat, Andamans.

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
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Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 24, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

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Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

BANK OF BENGAL.

NOTICE.

Calcutta, the 22nd July 1880.

The Annual General Meeting of the Proprietors and Shareholders of the Bank of Bengal will be held at the Bank on Monday, the 16th proximo, at 3 P.M., for the transaction of the following business :—

I.—To receive the Directors' report and the audited accounts up to 30th June 1880.

II.—To elect two Directors in room of Messrs. F. Clarke and G. F. Mewburn, who go out by rotation, but who are eligible for re-election.

III.—To elect two Auditors and to fix their remuneration.

By Order of the Directors,

R. HARDIE,

Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 19th July 1880.

No. 182.—Mr. F. Kitchen, Assistant Surveyor, 1st Grade, is granted privilege leave for two months, with effect from the forenoon of the 27th instant.

No. 183.—The privilege leave granted to Mr. T. F. Freeman, Assistant Surveyor, 2nd Grade, in Notification No. 170, dated the 10th May last, is commuted to furlough in India for one year, with effect from 1st May last.

No. 184.—The following promotions are made in the room of Mr. H. Beverley, Surveyor, 1st

Grade, who died on the 25th June, and in continuation of the promotions consequent on the retirements of Messrs. G. Blythe and C. David which were published in Notification No. 159, dated 11th March 1880:—

With effect from 26th June 1880.

Mr. C. W. Campbell, Surveyor, 2nd Grade, to be Surveyor, 1st Grade.

Mr. A. J. Wilson, Surveyor, 3rd Grade, to be Surveyor, 2nd Grade.

Mr. T. W. Reilly, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 19th July 1880.

No. 4.—Mr. A. M. Lawson, Surveyor, 3rd Grade, is granted privilege leave under Section 13, Supplement F, of the Civil Leave Code, for three months, with effect from the 14th August 1880.

No. 5.—Mr. W. Sinclair, Surveyor, 2nd Grade, and Draftsman, Deputy Surveyor General's Office, is granted privilege leave under Section 13, Supplement F, of the Civil Leave Code, for three months, with effect from the 2nd August 1880.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 15th July 1880.

No. 1907 *S.*—With reference to paragraph 5 of the Rajputana Local Administration Resolution No. 261-284 C.-S., dated 31st January 1880, Mr. Bhagat Singh, Assistant Engineer, was relieved of his duties in the Mayo College Division on the afternoon of the 6th July 1880 for transfer to Ajmere Division.

Mr. Bhagat Singh, Assistant Engineer, joined the Ajmere Division on the afternoon of the 6th July 1880.

By Order,
J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General, and Chief Commr., in the P. W. D., Rajputana.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATION.—ESTABLISHMENT.

Indore, the 15th July 1880.

No. 13.—Mr. A. C. Newcombe, Deputy Examiner of Accounts, having returned from the leave of absence granted in Government of India Notification No. 124 of 20th April last, resumed charge of his office on the forenoon of the 12th instant.

By Order,
L. RUSSELL, *Colonel, R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 14th July 1880.

No. 31.—Mr. T. H. Jewett, Assistant Engineer, 1st Grade (temporary rank), passed the colloquial examination in Hindustani on the 7th July 1880.

The 15th July 1880.

No. 32.—Lieutenant G. M. Porter, R.E., Assistant Engineer, 2nd Grade, is appointed to officiate as Executive Engineer, Ferozepore Division, Military Works, with effect from forenoon of 1st May 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Meerut Command.

Meerut, the 14th July 1880.

No. 17.—In continuation of this Office Notification No. 16, dated 7th July 1880, Mr. M. Birkbeck, C.E., Executive Engineer, and Major T. O. Wingate, B.S.C., Executive Engineer, respectively, made over and received charge of the Bareilly Division, Military Works, on the afternoon of the 3rd July.

The 20th July 1880.

No. 18.—Mr. M. Birkbeck, Executive Engineer, is transferred from the Bareilly Division, Military Works, to the Ranikhet Division, Military Works, the latter of which he joined on the forenoon of the 13th July 1880.

The transfer is made in the interests of the public service.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Presidency & Oudh Command.

Lucknow, the 20th July 1880.

No. 8.—Mr. W. H. King, C.E., Executive Engineer, 3rd Grade, Barrackpore Division, Military Works, has been granted two months and twenty-nine days' privilege leave from the 1st August next, or such subsequent date as he may avail himself of the same.

The 21st July 1880.

No. 9.—Captain N. Arnott, R.E., Executive Engineer, 3rd Grade, on his return from the three months' privilege leave granted to him in this Office Notification No. 2 of 11th March last, took over charge of the Allahabad Division, Military Works, from Mr. J. M. Harman, C.E., Officiating Executive Engineer of the Division, on the forenoon of the 20th instant.

W. R. TUCKER, *Lieut.-Col., R.E.,*
Supdg. Engr., Presidency & Oudh Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 16th July 1880.

No. 12.—Mr. J. R. H. Allaway, Assistant Locomotive Superintendent, Punjab Northern State Railway, is transferred to the Indus Valley State Railway.

No. 13.—Mr. N. M. Carnell, candidate for the Superior Revenue Establishment, is transferred from the Indus Valley State Railway to the Open Section of the Punjab Northern State Railway.

The 17th July 1880.

No. 14.—Mr. R. T. Denne, Assistant Engineer, 2nd Grade, attached to the Traffic Department of the Punjab Northern State Railway, is transferred to the Indus Valley State Railway and to be attached to the Traffic Department of that line.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

Lucknow, the 17th July 1880.

With reference to Accountant General Public Works Department's Notification No. 9, dated 10th June 1880, Mr. F. M. Woodroffe joined the Audit Office of the Oudh and Rohilkhand Railway Accounts as a Temporary Assistant Examiner, 2nd Grade, on the forenoon of the 15th June 1880.

R. DEBOURBEL, *Lieut.-Col., R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 13th July 1880.

No. 95.—The under-mentioned Officer is granted leave for three months to study the native languages, under Public Works Department Code, Chapter II, Section i, paragraph 27:—

Mr. J. A. Greenwood, Assistant Engineer, 2nd Grade, Bhopal State Railway.

The 15th July 1880.

No. 96.—Lieutenant B. Scott, R.E., Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on 19th June 1880.

No. 97.—Mr. T. H. Jewett, Assistant Engineer, 2nd Grade, passed the colloquial examination in Hindustani on 7th July 1880.

No. 98.—Lieutenant G. Davidson, R.E., and Mr S. Rebsch, Assistant Engineers, 1st Grade, have passed the professional examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18.

No. 99.—CORRIGENDUM.—In Director General of Railways' Notification No. 83, dated the 9th ultimo, forming divisions in the Hurnai and Gulistan-Karez Sections of the Kandahar State Railway, *for* "Sharigh" Division and Head-quarters, *read* "Sharagh," and for the head quarters of the Gwal Division, *read* "Brahiman" *for* "Quetta."

The 16th July 1880.

No. 100.—The under-mentioned Officer is granted furlough to Europe for two years, under Section 21, Provisoes 1 & 2, of the Civil Leave Code, and ten days' subsidiary leave, under Section 34(*a*)(1) of the same Code:—

Mr. H. N. C. Cloëte, Executive Engineer, 3rd Grade, Kandahar State Railway, Hurnai and Gulistan-Karez Sections.

The 17th July 1880.

No. 101.—Captain F. W. Joseph, B.S.C., Executive Engineer, 2nd Grade, is, on return from furlough, posted to the Hurnai and Gulistan-Karez Sections, Kandahar State Railway.

The 19th July 1880.

No. 102.—With reference to Public Works Department Notification No. 240, dated 15th instant, Mr. T. N. Haigh is posted to the Punjab Northern State Railway, Rattial-Pindi Section.

No. 103.—The under-mentioned Officer passed the Departmental Standard Examination in Hindustani on the 8th instant:—

Mr. T. J. Dumayne, Assistant Engineer, 1st Grade.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 16th July 1880.

No. 13.—With reference to Notification No. 88, dated 28th June 1880, of the Director General of Railways, Mr. J. H. Allen, Assistant Traffic Superintendent, was relieved of his duties on the Indus Valley State Railway on the afternoon of 18th June 1880.

T. B. B. SAVI, *Captain, R.E.,*
Offg. Manager.

INDUS VALLEY STATE RAILWAY.

WANTED

Four Pay Clerks for Indus Valley and Kandahar State Railways. Pay Rs. 60—4—80, with usual travelling allowances.

None need apply who cannot deposit Rs. 3,000 to Rs. 5,000, either in cash or Government Promissory Notes.

Apply to—

PAYMASTER,
Indus Valley State Railway, Mooltan.

PUNJAB NORTHERN STATE RAILWAY, Manager's Office.

NOTIFICATION.

Lahore, the 19th July 1880.

No. 13.—With reference to Director General of Railways' Notification No. 89, dated 28th June 1880, Mr. Leonard Bean, Candidate Class of Traffic Department of State Railways, joined his appointment on this line on 28th June 1880.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

Report of a Deserter from the 54th Regiment of Foot, dated at Meerut, this 13th day of July 1880.

Number, Rank, and Name,—No. 26Bde.—1717, Private George Simms.
Age,—36 years 1 month.
Size,—5 feet 6 inches.
Color of—
Complexion, fresh; hair, dark brown; eyes, blue.
Date of Desertion,—9th July 1880.
Place of Desertion,—Meerut.
Date of Enlistment,—19th June 1865.
At what Place Enlisted,—Dublin.
Parish and County in which Born,—St. Mary's Cork, County Cork.
Marks,—Second toe on each foot overlapping, not enough to cause rejection.
Trade,—Groom.
Regimentals: Coat or Jacket,— ... Waistcoat,— ... Breeches or Trowsers,— ...
REMARKS,—None.

J. W. HUGHES, *Lieut.-Col.,*
Comdg. 54th Regt.

CALCUTTA UNIVERSITY.

NOTICE.

The Senate of the University of Calcutta will proceed in the month of August next to the election of a Tagore Law Professor for such term as the Senate may approve.

The salary of the Professorship is Rs. 10,000 per annum, and one of the conditions of the appointment is, that the Professor shall deliver in each year a course of lectures on some branch of law.

Candidates for the Professorship are requested to forward their applications to the Registrar before the 31st July, and at the same time to state on what subject or subjects they are prepared to lecture.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 17th July 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 12	...	1,20,471	...	4,77,200	74,74,545	38,79,276
„ 13	...	1,19,888	2,55,196	2,37,615	76,20,089	40,02,088
„ 14	...	75,653	2,50,168	233	77,64,280	41,68,392
„ 15	...	1,06,913	...	233	78,86,067	40,68,188
„ 16	...	66,087	...	233	78,89,730	40,03,759
„ 17	...	1,08,816	249	...	77,99,239	39,02,006

CALCUTTA MINT,
The 19th July 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 22nd July 1880 ... Rs. 80,68,877-10-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 23rd July 1880.

Statement of the Affairs of the Bank of Bengal for the half-year ending 30th June 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,890	0	0
	Rs. A. P.			
Public Deposits at Head Office	1,42,32,567 8 8	3,54,14,713	0	3
Public Deposits at Branches	2,11,82,145 7 7			
Other Deposits at Head Office and Branches		2,75,15,164	3	3
Bank Post Bills, &c.		4,98,145	6	9
Sundries		18,40,886	10	0
RUPEES		8,75,58,799	4	3

ASSETS.		Rs.	A.	P.
Government Securities		1,24,33,548	8	0
Loans on Government Securities, &c., at Head Office and Branches		58,77,010	11	8
Accounts of Credit on Government Securities, &c., at Head Office and Branches		44,96,796	12	7
Bills discounted and purchased at Head Office and Branches		2,00,52,528	3	8
Balances with other Banks		4,85,721	3	2
Bullion		1,69,947	7	11
Dead Stock		10,12,657	5	4
Stamps		9,080	10	0
Sundries		5,59,328	15	8
		4,50,96,619	14	0
	Rs. A. P.			
Cash and Currency Notes at Head Office	1,82,21,598 9 9	4,24,62,179	6	3
Cash and Currency Notes at Branches	2,42,40,580 12 6			
RUPEES		8,75,58,799	4	3

By order of the Directors,

BANK OF BENGAL,
Calcutta, 20th July 1880.

W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 20th July 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,890	0	0
	Rs. A. P.			
Public Deposits at Head Office	1,80,39,203 15 6	3,86,43,104	9	7
Public Deposits at Branches	2,06,03,900 10 1			
Other Deposits at Head Office and Branches		2,78,08,791	4	7
Bank Post Bills, &c.		25,35,461	10	6
Sundries		11,30,413	11	4
RUPEES		9,24,07,661	4	0

ASSETS.		Rs.	A.	P.
Government Securities		1,30,99,487	0	0
Loans on Government Securities, &c., at Head Office and Branches		58,43,380	1	4
Accounts of Credit on Government Securities, &c., at Head Office and Branches		51,19,815	15	9
Bills discounted and purchased at Head Office and Branches		2,20,91,244	13	4
Balances with other Banks		3,12,024	4	2
Bullion		39,416	1	0
Dead Stock		10,45,473	4	4
Stamps		8,916	9	0
Sundries		5,12,861	3	7
		4,80,72,619	4	6
	Rs. A. P.			
Cash and Currency Notes at Head Office	1,89,23,095 6 11	4,43,35,041	15	6
Cash and Currency Notes at Branches	2,54,11,946 8 7			
RUPEES		9,24,07,661	4	0

By order of the Directors.

BANK OF BENGAL,
Calcutta, 22nd July 1880.

W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary.

R. HARDIE.
Secy. & Treasurer.

Statement of Transactions of District Savings Banks for the quarter ending 30th June 1880.

PROVINCE.	Number of Banks open.	DEPOSITS.		WITHDRAWALS.			BALANCE.
		No.	Amount.	No.	Amount, Principal.	Amount, Interest.	
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	2,863	6,74,287 1 0	1,096	2,43,467 1 1	231 10 3	19,59,161 11 4
Assam	11	533	1,17,429 11 4	175	42,420 9 7	97 1 9	2,69,533 1 3
N.-W. Provinces and Oudh	47	3,766	4,38,369 7 11	724	1,80,643 5 2	307 9 9	12,57,948 3 3
Punjab	23	1,147	3,68,444 6 5	337	1,04,625 5 4	107 9 3	9,04,356 10 3
Central Provinces	18	389	99,374 4 10	174	52,335 10 2	20 7 10	3,52,687 7 3
British Burma	13	377	64,588 15 0	157	53,584 8 8	159 0 6	1,91,812 7 0
Berar	2	115	26,242 0 0	51	5,950 14 2	1 4 7	1,09,097 8 6
India	9	808	87,535 13 2	198	39,799 5 0	58 15 10	3,20,308 0 7
State Railways	8	1,749	24,284 2 0	24	673 9 6	0 0 6	23,610 8 6
TOTAL	176	11,747	19,00,555 13 8	2,936	7,23,500 4 8	983 12 3	53,88,515 9 11

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 23rd July 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Akola Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
K 7—34568 ...	5	Mr. S. Madeira, Clerk, Commissioner's Office, Oomraotee.
„ —34602 ...	5	
„ —35256 ...	5	
K 2—30454 ...	20	
„ —30482 ...	20	

AKOLA,
The 16th July 1880.

C. W. A. DAVIES,
Asstt. Commr. of Paper Currency.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No. 1880.	No. of Notes.	Value. Rs.	Name of Claimant.
H116 ...	M45—32261 ...	10	D. Kelly, Mhow.
H117 ...	M23—89552 ...	50	Jamsetji Nowroji, Bombay.
H118 ...	M51—02789 ...	20	Ardesir Merwanji, Lonavla.
	M34—99236 ...	20	
H119 ...	M34—60383 ...	20	W. A. Steeves, Master, Ship "Cyprus," Bombay.

BOMBAY,
The 20th July 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
131 ...	O 31—38761 ...	50	Luksminarain Das.
134 ...	O 70—89136 ...	500	Zokee Hossain.
135 ...	O 70—84249 ...	500	Achoylal Nursing Doyal.
	O 68—11563 ...	100	
	„ —69816 ...	100	
	„ —54775 ...	100	
136 ...	O 60—52090 ...	20	Babu Woomashurn Chatterjee.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
147	... O 49—20866 ...	10	Ganeshi Lal.
148	... O 37—63124 ...	5	Babu Hurimohan Mukerjee.
149	... O 37—49562 ...	5	Babu Jogendranath Sen.
150	... O 19—13508 ...	10	The Secretary, G. E. Hotel, Calcutta.
	O 13—65050 ...	10	
	O 14—54912 ...	10	
	„ —58085 ...	10	
	O 18—33904 ...	10	
	O 16—04593 ...	10	
	L 88—26631 ...	10	
151	... L 15—94270 ...	5	Babu Parbatichurn Neogy.
	L 55—50528 ...	5	
	„ —50527 ...	5	
	„ —22726 ...	5	
	„ —22725 ...	5	
152	... L 89—52263 ...	20	Babu Sreedhur Chunder Rokhit and Babu Behari Lal Bhur.
153	... O 78—43367 ...	10	Babu Ram Gopal Ganguly.
92	... L 55—88930 ...	5	Babu Luckhon Chunder Bhuttacharjea.
	„ —88931 ...		
93	... O 57—04283 ...	20	Babu Rash Behari Ghose.
	O 24—06569 ...		
95	... O 57—46689 ...	20	The Chief Pay Master, E. I. Railway, Calcutta.
	O 58—08438 ...		

CALCUTTA,
The 23rd July 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 2—06448 ...	500	Commissioner of Madras for Messrs. Arbuthnot & Co. on account of Mr. W. A. Porter, Mysore.

NOTE PARTIALLY LOST OR DESTROYED.

	Rs.	
J 9—13639 ...	10	W. Calendaswami Mudellier, Clerk, District Sessions Court, Cuddalore.

CALICUT,
The 16th July 1880.

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
55	... E 13—55971 ...	100	The Chief Superintendent of Mails, Rawalpindi.
56	... E 13—74850 ...	100	J. J. Beck, Esq., Contractor, Wazeerabad.
	„ —85016 ...	100	
57	... E 16—91359 ...	10	Jassa Mul Artia, Ludhiana.
	E 17—10151 ...	20	
	„ —10153 ...	20	
	„ —24218 ...	20	
	„ —28189 ...	20	
	„ —02554 ...	20	
	„ —03983 ...	20	
	„ —22682 ...	20	
	E 15—71407 ...	50	
	„ —60808 ...	50	
	E 13—55159 ...	100	
	E 3—48230 ...	100	
58	... E 15—67506 ...	50	Mr. T. Grogan, Deputy Commissioner's Office, Sealkote.
59	... E 15—51033 ...	50	Mr. G. Mitchell, Saharunpur.

NOTES PARTIALLY LOST OR DESTROYED.

	Rs.	
88 ... E 17—20824 ...	20	Mrs. A. E. Blagdon, Somastipur.
90 ... E 13—56141 ...	100	Lieut. R. B. Fisher, through the Manager, Alliance Bank of Simla, Murree.
99 ... E 15—56291 ...	50	Baboo Kassy Kinker Mitter, Ghazeeabad.
87 ... E 15—54410 ...	50	Heera Nund, Gujranwala.

LAHORE,
The 17th July 1880.

H. J. BRERETON,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
60	... B 61—27149 ...	50	Kumbarkone Subanachar, Narsipur, Hassan District.
61	... B 53—89451 ...	10	Gopalaswami Naik, Muthuragunathapatnam, Madura.
62	... B 36—88892 ...	5	Thayakot Krishna Menon of Paumankaru Anshom, Calicut.
	B 39—67478 ...	5	
63	... B 61—18184 ...	50	K. Nursiah, Head Writer, Amrut Mahal Department, Bangalore.
64	... B 62—30127 ...	100	C. V. Ramiah, Broker to Messrs. Stanes & Co., Coimbatore.
	„ —96914 ...	100	
65	... B 61—30832 ...	50	Coomaji Koossaji, care of A. Ramaswami Chetti Accountant General' Office, Madras.
66	... B 57—36495 ...	20	Mrs. J. M. Jones, Cleveland House, Bangalore.

FORT SAINT GEORGE,
The 12th July 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept.,
for *Offg. Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 24th June 1880.

NOTICE TO THE PUBLIC.

With effect from the 1st August 1880, the rates of commission charged on the realization of the value of parcels and registered book packets sent under the "value-payable" system, will be reduced to half what they now are, and thereby assimilated to the rates of commission charged on the issue of money orders. The new rates will be as follows:—

On sums not exceeding Rs.	10	...	Rs.	0 2
„ „ „	25	...	„	0 4
„ „ „	50	...	„	0 8
„ „ „	75	...	„	0 12
„ „ „	100	...	„	1 0
„ „ „	125	...	„	1 4
„ „ „	150	...	„	1 8

and 4 annas for every additional Rs. 25 or fraction thereof.

The value of the contents of a value-payable article will be limited to Rs. 600.

Value-payable articles may be addressed only to Post Offices which are Money Order Offices: and they may be posted only in Post Offices which are Money Order Offices. The former restriction limiting the posting of value-payable articles in Disbursing Post Offices is superseded.

The amounts realized from the addressees of value-payable articles less the commission chargeable thereon will be paid to the senders by means of money orders.

When a value-payable article is presented at a Post Office, it must be accompanied by a memorandum prepared by the sender in the prescribed form, printed copies of which may be obtained from the Post Office on application.

E. R. DOUGLAS,
Offg. Depy. Dir. Genl. of the Post Office of India.

The 15th July 1880.

No. 4310.—Mr. M. Percy, Presidency Postmaster, Madras, is granted one month's privilege leave, with effect from 4th July 1880.

Mr. J. Honner is appointed to officiate as Postmaster during Mr. Percy's absence, or until further orders.

G. J. HYNES,
for *Offg. Depy. Dir. Genl. of the Post Office of India.*

Calcutta, the 23rd July 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	31st July	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	26th „	Str. *Chindwara.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *via* Hong-Kong for Yokohama	6-30 „	27th „	From Bombay.
Australian Colonies	6-30 „	27th „	From Bombay.*
Foreign Mails *vid* Bombay	6-30 „	28th „	From Bombay.†
Do. Book post and pattern packets	6-30 „	27th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	29th „	Str. *Oriental.*
Persian Gulf	6-30 „	24th „	From Bombay.
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6-30 „	30th „	Str. *Commilla.*

* Letters to Ceylon, intended for despatch by the Australian Mail Steamer, must be prepaid at the Indian packet rate, *viz.*, 2 annas per ½ oz., the portion of the line from Bombay to Galle being non-contract.

† Also *vid* Aden, Mails for Zanzibar, Mozambique, Natal and the Cape of Goodhope can be forwarded.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 23rd July 1880.

Alexander, William.
Andrews, S. J.
Angelo, H.
Asps, H. J.
Baily, Mrs. F. G.
Baird & Co.
Bale, A. C.
Bason, E.
Bayley, R. H.
Bernett, William J.
Blackey, Mrs.
Blanchard, S.
Boyd, A. G.
Brown, G. S.
Brown, F. R.
Burns, A.
Byers, P. W.
Case, Capt. F.
Christie, Lt. (R.E.)
Clarke, E.
Clark, Capt. R. E.
Clements, W. P.
Collins, Miss Mary.
Coleman, G.
Collins, Major W. H.
Condey, John (R.N.)
Cullen, M. (Storekeeper, E. I. R.)
Fastings, J. F.
Fitzgerald, Mrs. M. E.
Forbes, G.
Gadding, Mrs.
Gibbons, H.
Gomes, W. E.
Gonsalves, J.
Gordon, Mrs.
Gordon, S. C.
Halt, Mrs. J.
Jacob, Essack.
Jewell, B.
Jackson, R.
Jones, J. T.
Keene, J.
Ledger, J. C. (Exe. Engr.)
Leoppold, E.
Lewis, W. C.
Millington, B.
Mills, T.
Mord. F. S.
Murdoch, Mrs. F.
O'Brien, D.
Page, W. H.
Palmer, H. J.
Pereira, M.
Pyne, B.
Rivers, Mrs. M. A.
Roe, W. & T.
Salter, Miss H.
Smith, Mrs. Anna.
Stains & Co.
Thompson, E.
T. F.
Wall, Master H.
White, Mrs. B.

Letters marked "Care of Post Office, to be kept till called for."

Anderson, C.
Anderson, Sighr. A.
Anson, Capt.
B. F.
Borillon, Mons. J.
Brown, Miss Mary.
Braham, Mrs. Annie.
Brewer, T. S. M.
Byford, H.
"Carlos."
Chamberlin, C.
Cyril, C.
Connors, J.
Coyle, Thomas.
Denson, Edwin.
Deseda Conte.
Douglas, J. W.
Dionysius, Haddens.
Ginder, Duncan.
Haly, J. James.
Hayward, Miss Isabella.
Howard, Capt. F. C.
Hilton, Mrs. F. F.
Innis, G. B.
Jacob, S.
Jackson, W.
Kaiser, August.
Kark, Mrs. E.
Kelly, F. J.
Kleyne, Mrs. Fanny.
Lingard, Mrs. F.
Mann, Alex.
Matheson, Alex.
Mecklen, Geo.
Michael, G.
Miller, Mrs. Annie.
Moncrieff, James.
Norton, Miss A.
Owbridge, H. S.
Paul, R. C. (Searcher General.)
Phulan, T. W.
Powell, C.
Priscilla, B.
Reid, R.
Robinson, Geo.
Rourke, G.
Seecunder.
Seth, A.
Schemidt, C.
Sher Shah, Moonshee.
Silvestri, Signore E.
Simpson, James M.
Snow, A. Wilson.
Sterling, William.
Stuart, F.
Strathmore, Miss W.
Sutton, Revd. G.
Temple, Miss E.
Thomson, John.
Traver, Mrs.
Twiner, H. D.
Usborne, W.
Wall, W. M.
Waste, Mrs.
Wight, C. F.
Wilkinson, W. T.
Wood, W.
X. Y. Z.
Young, Colonel W. S.

Newspapers.

Anderson, Charles.
Buchanan, Baverly.
Denson, Edwin.
Haly, J. J.
Richard, John.
Thompson, John.
Wilkinson, W. T.
Wilson, J. H.

Registered Letters.

Brown, Miss Mary.
Cayne, James.
Gasper, C. G.
Peppe Goldstein, Madame.

E. C. GEORGE,
Presidency Post Master.

WANTED

A Draftsman for six months, salary Rs. 50 per month.

He must be competent to take out quantities and check measurements of Estimates from the Drawings.

Apply, with copies of testimonials, which will not be returned, to the Executive Engineer, Military Works, Morar.

Replies will not be sent to unsuccessful applicants.

J. H. CROWDY, *Major, R.E.,*
Executive Engineer,
Morar Division, Military Works.

MORAR,
The 5th July 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جوكوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سولهٔ روپيه آٹهه آنه ٬

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه ٬

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورهٔ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه ٬

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Bull's Dredgers .	39	1½ cubic feet .	40	These have been used, but are in good condition.
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Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a set.

Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of Superintendent of Government Printing, 8, Hastings Street.

Indian Ocean—

Indian Ocean, Curves of equal magnetic variation. *Annas 8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port Salaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Bombay Harbour, showing the outer fishing-stakes. *Annas 8.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mi iya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Cherenpani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast, Bay of Bengal, Ceylon, &c.—

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mulhaittivu or Moeletivoe. *Annas 8.*
Colombo Harbour and its approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Rs. 2.*
Bay of Bengal, Eastern Sheet. *Rs. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30′ N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations. *Re. 1.*
Coconada to Bassein River. *Re. 1.*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Anchorage. *Re. 1.*
Hooghly River.—Luff Point to Anchoring Creek, showing the James and Mary Shoals and entrance to the Roopnarain River. *Re. 1-8.*
False Point to Mutlah River, showing the approaches to Sandheads *Re. 1.*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Coronge Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Coast of Tenasserim—Tavoy River. *Re. 1.*
Port Mouat, Andamans.

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang P'ra. *Re. 1.*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. By Commander A. D. Taylor, I.N., F.R.G.S. *Rs. 16 ; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, with a Chart showing the positions in which they occurred. By R. C. Carrington, F.R.A.S., F.R.S.L., Registrar of Wrecks. *Rs. 2.*

Ditto ditto for 1878. *Price, Rs. 2.*

Ditto ditto for 1879. *Price, Rs. 2.*

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. By R. C. Carrington, F.R.A.S., 1880. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile. Compression $\frac{1}{192}$. By R. C. Carrington, F.R.A.S., 1877. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. By R. C. Carrington, F.R.A.S., Marine Survey of India, 1879. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. Compiled by R. C. Carrington, Marine Survey of India, 1879. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Mergui Archipelago. *Annas 4. (Cancelled ; superseded by Notice No. 8).*
„ 3. Junkseylon and adjacent Islands. *Annas 4. (Cancelled ; superseded by Notice No. 18,).*
„ 4. False Point Harbour. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour. *Annas 4.*
„ 13. Red Sea Navigation. In shore Passages. *Annas 4.*
„ 14. Red Sea. *Annas 4.*
„ 15. South Indian Ocean. Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast, *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg.
„ 18. Coast of Siam, including Junkseylon and adjacent islands.
„ 19. Africa, East Coast, Pemba Island and Adjacent Coast.
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad.
„ 21. Arabian Coast, Ras Matbakh.

Notices to Mariners.

Notices issued during the year 1879.

Price, Anna 1 each :—

No. 1. Permanent Moorings for Eastern Channel Light-vessel entrance to Hooghly River.
„ 2. Sunken danger in Mergui Archipelago.
„ 3. Revolving Light at Vakalapudi in the Godavery District.
„ 4. Intended alteration in False Point Light.
„ 5. Shifting of the entrances to Honore (Honawar) and Mangalore on the Malabar Coast.
„ 6. Fixed Light at Roji (Nowa-Nugga) in the Gulf of Cutch.
„ 7. Fixed Light at the entrance to Toona Creek in the Gulf of Cutch.
„ 8. Fixed Light at Goapnath Point in the Gulf of Cambay.
„ 9. Wreck-marking vessels.
„ 10. The alteration in the position and improvement of Pooree Port Light.
„ 11. Shoal Coral Ground in Strait of Banka.
„ 12. Delagoa Bay.—Removal of Cockburn Light-vessel in Bad Weather.
„ 13. (1) Alteration in position of Beacons and Leading Lights—Burnett River Entrance, Australia. (2) Fixed Light on Flap-Top Islet—Pioneer River—Rocky Islets. (3) Revolving Light on Low Isles—Trinity Bay. (4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
„ 14. Sunken dangers between Alguada Reef and Diamond Island—Bay of Bengal.
„ 15. Flashing White Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the Southernmost of the Brothers Islands—Andaman Islands.
„ 17. Australia—South-coast. Gulf of St. Vincent. (1) Prohibited Anchorage near Telegraph cable. Port Phillip. (2) Buoys marking Battery Practice Range at Williams Town. (3) Fixed and Flashing Light on North Reef.
„ 18. Longitude of the Time Ball, Calcutta, and of Saugor Light-House, River Hooghly.
„ 19. (1) Discontinuance of additional Light at fourth Point—Sunda Strait—Java.
(2) Shoal in the Fairway to Batavia Road.
(3) Fixed Light on Meinder's Reef—Madura Strait.
„ 20. (1) Shoal ground westward of Durnford Point—Africa, South Coast.
(2) Distinguishing features marking the Entrance to Tugela River.
(3) Ditto, Entrance to Umhloti River.
„ 21. Buoys off Carwar Harbour (Sedashigar).
„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
(2) Harbour Light at St. Pierre.
„ 23. Buoys off Carwar Harbour (Sedashigar).
„ 24. Buoys and Beacons. Zanzibar Harbour.
„ 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey.

No. 27. Change in the anchorage limits of the Port, Madras.
„ 28. Intended discontinuance of Light at El-Weg (Sherm Wej-h), Red Sea.
„ 29. Interval of intended exhibition of Blue Lights on Rockets at False Point Light-house.
„ 30. Replacing of the Buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticaloa.
„ 33. Black Buoys laid down in Calicut Roadstead to mark the limits of Foul Ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the Buoys off Carwar Harbour (Sedashigar).
„ 36. Telegraph Buoy, south of Aden.
„ 37. Black Buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a Leading Light in Suez Bay.
„ 40. Madras Semaphore.
„ 41. Black Buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to River Hooghly.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.

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Army List—New Number.

Corrected to 30th June 1880.

The Official Quarterly Army List of H. M.'s Forces in Bengal, to which is appended the Civil Service Gradation List. *Price, Rs. 4; packing and postage, 6 annas.*

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INDEX to the enactments relating to India. Compiled, under the orders of the Government of India, by Stephen Jacob, B.C.S., to which are prefixed Chronological Tables of the Acts and Regulations of the Indian Legislatures.

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Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, Rs. 10; postage, 9 annas.*

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Descriptive Ethnology of Bengal. By EDWARD TUITE DALTON, C.S.I., Colonel, Bengal Staff Corps; Commissioner of Chutia Nagpur; Member of the Asiatic Society of Bengal, &c. *Illustrated by Lithograph Portraits copied from Photographs.* Printed for the Government of Bengal, under the direction of the Council of the Asiatic Society of Bengal.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 31, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 27th July 1880.

The following rules passed by the High Court of Judicature at Fort William in Bengal, are now published for general information.

By Order,
R. BELCHAMBERS,
Registrar.

Whereas it is expedient to consolidate the rules relating to the admission of attorneys of this Court and alter the same so as to entitle the attorneys of this Court to the benefit of "the Colonial Attorneys Relief Act," it is ordered as follows:—

Admission, without examination, of attorney or solicitor of Her Majesty's Superior Courts in England.

1. Any attorney or solicitor of Her Majesty's Superior Courts of Law or Equity in England shall be entitled to be admitted as an attorney of this Court, without service or examination in India, on production of his certificate of admission in such English Courts, and of a certificate that his name is still borne on the rolls of such Courts, and also on producing satisfactory testimonials to his good character.

Admission, without examination, of attorney of High Courts of Madras or Bombay.

2. An attorney of the High Court of Madras or of the High Court of Bombay, shall be entitled to be admitted as an attorney of this Court, provided that he shall produce a certificate of admission in either of the said Courts, and a certificate that his name is still borne on the rolls thereof, and shall also produce satisfactory testimonials to good

character, and shall moreover satisfy the Court that, previous to his admission as an attorney, he had served under articles of clerkship to some attorney or attorneys-at-law for the full term of five years.

Admission, after examination, of attorney or solicitor of the High Court of Judicature in Ireland.

3. Any solicitor of the High Court of Judicature in Ireland shall be entitled to be admitted as an attorney of this Court, provided that he shall produce a certificate of admission in such Court, and a certificate that his name is still borne on the rolls of such Court, and shall give satisfactory assurances of good character, and shall also produce a certificate signed by the major part of the Examiners actually present and conducting the examination (one of them being the Registrar of the Court, on the Original Side, hereinafter mentioned as the Registrar), that he has satisfactorily passed an examination upon the following subjects :—

Subjects of examination.

(1) The Letters Patent constituting the High Court.
(2) The Code of Civil Procedure.
(3) The Indian Penal Code.

The Acts in force at the time.

(4) Criminal Procedure on the Original Side.
(5) The Indian Succession Act.
(6) The Indian Contract Act.
(7) The Evidence Act.
(8) The Registration Act.
(9) The Limitation Act.

Examination by whom to be conducted.

4. The examination shall be conducted by the Examiners appointed under Rule 26 for the examination of persons applying to be admitted as attorneys of this Court (hereinafter mentioned as the Examiners).

Period of service.

5. Except as provided in the foregoing rules, every person, before admission to practise as an attorney, shall serve a regular clerkship to an attorney of this Court under articles of clerkship by contract in writing pursuant to the rules hereinafter contained, for the full period of five years.

Service may be to different attorneys.

6. The term of service required by the last preceding rule need not be all under one and the same contract, nor to one and the same attorney, but may be to different attorneys, either by virtue of an assignment or assignments, or by virtue of successive independent contracts upon the dissolution of the original or succeeding contract.

Master must be a practising attorney on his own behalf.

7. The attorney or attorneys under whom the articles shall be served shall, during the whole period of the service, be actually practising as such in this Court on his or their behalf, and not as clerk to any other attorney.

Only one articled clerk allowed at one time.

8. No attorney shall, without special leave of the Court, be entitled to take more than one clerk for service under these rules at one and the same time, nor any clerk until he shall have been himself in practise as an attorney for at least three years.

Persons not advocates of this Court or writers to the Signet, or Solicitors or Procurators of the Scotch Courts, or who have not passed a University or preliminary examination in England, or been articled in England or Ireland, or have not been educated in Europe up to a sufficient standard incapable of entering into articles.

9. No person who is not an advocate of this Court, or a writer to the Signet, or a solicitor of the Supreme Courts of Scotland, or a procurator before any of the Sheriffs' Courts of Scotland, or who shall not have been articled to an attorney or solicitor of one of Her Majesty's Superior Courts of Law or Equity in England or Ireland, shall be capable of service under these rules, until he shall have passed the B. A. examination of the University of Calcutta or the preliminary examination of articled clerks in England, or the first public examination before the Moderators at Oxford, or the previous examination at Cambridge, or the preliminary examination in arts in any of the Scotch Universities, or the examination in arts for the second grade in Durham, or the Matriculation of the Universities of Dublin or London, or shall produce a certificate of the Oxford and Cambridge Schools Examination Board granted under the Regulations issued by the Board: Provided that persons educated in Europe who have not passed any of the examinations abovementioned, and who shall appear to the Chief Justice and Judges to have been educated up to a sufficient standard, may, by special order, be permitted to enter into articles of clerkship.

Articles, with affidavit of Master, to be filed within one month.

10. The contract in writing whereby a person shall engage as aforesaid to serve as a clerk to any attorney, shall be filed with the proper officer, to be appointed for receiving and filing affidavits and other documents to be filed under these rules, within one calendar month after the execution of the same, together with an affidavit by such attorney that he has been himself duly admitted and has been practising for three years as an attorney; that such contract has been duly executed by himself, and by the clerk therein mentioned; and an affidavit by such clerk that he has passed one of the examinations mentioned in Rule 9, or has, previous to his service in this country, served under articles of clerkship to an attorney or solicitor of one of Her Majesty's Superior Courts of Law or Equity in England or Ireland. And in every such affidavit shall be specified the name of the attorney and his place of business, the name of the clerk and his place of abode, together with the day on which the contract was actually executed.

Assignment of articles, with affidavit, to be filed within one month.

11. In case the articles of clerkship shall be assigned, the assignment shall be in writing, and shall, in like manner as aforesaid, be filed within one calendar month after the execution thereof, together with an affidavit by the attorney to whom the assignment has been made, that he has been duly admitted and has been practising for three years, and that such assignment has been executed by all the

necessary parties. And in every such affidavit shall be specified the name of the attorney to whom the articles are assigned, and his place of business, together with the day on which the assignment was actually executed.

Fresh articles to be entered into, if necessary, and filed with affidavit.

12. If by reason of death, or for any other good and sufficient reason, an assignment of the articles cannot be obtained, a fresh contract in writing for the remaining period of his term of service shall be entered into by the clerk with the attorney under whom the service is to be continued, which shall be filed within the time, and with an affidavit similar to that prescribed by Rule 10.

Effect of omission to file contract or assignment within one month.

13. In case the contract or assignment, together with the necessary affidavit, be not filed within the time specified, the same may be filed after the expiration thereof; but the service of the clerk shall be reckoned to have been commenced or renewed from the date of the filing of such contract or assignment, unless the Court shall otherwise order.

Articled clerk not to hold other office or employment.

14. No person who shall be articled to serve as a clerk to an attorney, for the purpose of being admitted as an attorney, shall, during the period of such service, hold any office or engage in any employment whatsoever other than the employment of clerk to such attorney, and his partner or partners (if any) in the business, practice or employment of an attorney; and every such person shall, during the whole period of service under articles, continue and be really and actually employed in the proper business, practice, or employment of an attorney.

Articled clerk to pass two examinations.

Period that must intervene between the two examinations.

15. Every articled clerk shall, after he has been articled and before admission, pass two examinations, one after he has served half the term of his articles, and the other after he has served the full term of his articles: Provided that he shall not be admitted to the second examination until the expiration of six months after he shall have passed the first examination, unless the Court shall otherwise order.

Intermediate examination.

16. The first of these (hereinafter called the Intermediate examination) shall be in the following subjects :—

(1) Letters Patent.
(2) Civil Procedure Code.
(3) Belchambers' Rules of the High Court, Original Side.
(4) Conveyancing.
(5) Criminal Procedure on the Original Side.

Number of questions and marks in each paper.

17. The Intermediate examination shall be directed to the candidate's knowledge of the practice of his profession. The number of questions in each paper shall be ten, and the total number of marks shall be 400, of which the candidate must obtain not less than 250.

Final examination.

Papers to be set.

18. The second of the said examinations (hereinafter called the Final examination) shall be in the following subjects, and the number of papers to be set, and the subjects to which they relate, shall be as indicated below :—

Subjects of examination.	
Common Law, including the Contract Act	1 Paper.
Equity	1 „
The Acts in force at the time. Indian Company's Act, Succession Act	1 „
Evidence, Penal Code, Limitation Act	1 „
Registration Act, Stamp Act, Insolvency	1 „
Hindoo Law, Mahomedan Law	1 „

Number of questions and marks in each paper.

Number of marks to be obtained.

19. The number of questions in each paper shall be eight, and the aggregate number of marks for the whole eight questions shall be 160. To be entitled to pass, a candidate must obtain 90 marks in each paper.

Answers to questions as to due service, &c., to be left with the Registrar before Final examination.

20. Before any articled clerk shall be admitted to the Final examination, he shall sign and leave with the Registrar answers to the questions contained in the Schedule A hereunto annexed, as also a certificate of his having passed one of the examinations mentioned in Rule 9, or the document mentioned in Rule 24, and a certificate of the Examiners of his having passed the Intermediate examination, and an affidavit by himself stating that he has actually and really served and been employed by the attorney or attorneys to whom he was bound during the whole term, and in the manner required by these rules; that he has not held any office or engaged in any employment contrary to these rules; that he has attained the age of 21 years; and that he has not been adjudicated an insolvent. And the attorney or attorneys with whom he shall have served his clerkship shall sign and leave with the Registrar answers to the questions contained in the Schedule B hereunto annexed, as also a certificate in the form therein given.

Testimonials to character.

21. The applicant shall, at the same time, produce satisfactory testimonials to his good character.

Further requirements to be complied with before admission to the Final examination.

22. Every person applying to be admitted to the Final examination shall also, if required, sign and leave, or cause to be left, with the Registrar answers in writing to such other written or printed questions as shall be proposed by the Examiners touching his service and conduct, and also, if required, attend the Examiners personally for the purpose of giving further explanation touching the same; and shall also, if required, procure the attorney or attorneys with whom he shall have served his clerkship as aforesaid, to answer, either personally or in writing, any questions touching such service or conduct, or shall make proof to the satisfaction of the

Examiners of his inability to procure the same.

Candidates to attend at the time and place appointed for examination, and to answer questions.

23. Every person so applying shall also attend the Examiners at such place or places, and at such time or times, as shall be appointed for that purpose, and shall answer such questions as the Examiners shall then and there put to him, by written or printed papers, touching his fitness and capacity to act as an attorney.

Clerk formerly articled in England or Ireland, to leave with the Registrar his original articles, &c.

24. If any person, previous to being articled to an attorney of this Court, shall have been articled to an attorney or solicitor of one of Her Majesty's Superior Courts of Law or Equity in England or Ireland, he shall leave with the Registrar his original articles entered into in England or Ireland, or an authenticated copy thereof, and shall state in the affidavit to be made by him pursuant to Rule 20, the circumstances under which the service under such last-mentioned articles was terminated.

Examiners may dispense with any of the requirements of Rules 20 and 24.

25. In case the applicant shall show sufficient cause to the satisfaction of the Examiners why the requirements of Rules 20 and 24 cannot be fully complied with, it shall be in the power of the Examiners, upon other sufficient proof being given of the qualification of the candidate under these rules, to dispense with any part of such requirements that they may think fit and reasonable.

Examiners.

26. The Registrar for the time being of the High Court, Original Jurisdiction, together with such advocates and attorneys of the Court to the number of six or more as the Chief Justice shall from time to time appoint, shall be Examiners, to examine such persons as shall desire to be admitted attorneys of the said Court; and any four of such Examiners shall be competent to conduct the said examinations.

Four to form a quorum.

Examination to be held every six months.

27. The examinations shall be held once in every six months, at such time and place as the Examiners shall appoint.

Clerk may attend the Final examination next preceding the expiration of his articles.

Not to be admitted an attorney until after the expiration of his articles.

Certificate to be stayed.

28. Any clerk shall be at liberty to attend the Final examination next preceding the expiration of his term of service: but he shall not be admitted as an attorney until after his term of service shall have expired; nor shall the certificate mentioned in Rule 33 be issued, without proof to the satisfaction of the Examiners that the clerk has duly served the remaining period of his term of service.

Notices of examination to be tabulated and posted up.

29. The Registrar shall reduce all notices of intention to appear at any examination into an alphabetical table under convenient heads, and shall, three weeks previous to the examination, affix the same on the notice board, and also on a board to be exhibited daily at the entrance to the principal court-room on the original side, and shall send a copy of the same to the Secretary to the Attorneys' Association.

Candidates to be informed of the days of examination.

30. The Registrar shall inform each candidate who shall have given notice of his intention to appear at any of the examinations of the days fixed for such examination.

Notice of admission.

31. Every person (except an attorney or solicitor of Her Majesty's Superior Courts of Law or Equity in England) intending to apply for admission as an attorney of this Court, shall give one month's notice in writing to the Registrar, stating his intention; such notice to be included in the notice for Final examination, or given separately.

Certificate of having passed the Final examination.

32. Every person liable to pass the Intermediate and Final examinations, or the Final examination alone, before being admitted as an attorney, shall obtain a certificate signed by the major part of the Examiners actually present at and conducting the examination (one of them being the Registrar), that he has satisfactorily passed the same.

Certificate of being a fit and proper person to be admitted an attorney.

33. Every such person shall, before admission, likewise produce a certificate signed by the major part of the Examiners (one of them being the Registrar), that he has satisfied the Examiners that he has really and actually served his articles in accordance with the foregoing rules, and that he is a fit and proper person to be admitted as an attorney.

Appeal from Examiners' rejection.

34. In case any person shall be dissatisfied with the refusal of the Examiners to grant him the certificate mentioned in Rule 33, he shall be at liberty, within one month, to apply for admission by petition in writing to the Chief Justice, which application shall be heard by any two or more Judges whom the Chief Justice shall appoint for that purpose.

Clerk under age ineligible to be admitted an attorney.

35. No person except an attorney or solicitor of Her Majesty's Superior Courts of Law or Equity in England, shall be admitted to practise as an attorney of this Court without proof that he has attained the age of 21 years.

Insolvent ineligible to be admitted to any examination, or as an attorney.

36. Unless the Court shall otherwise order, no person who shall have been adjudicated an insolvent shall be admitted to any of the examinations prescribed by these rules, or shall be admitted to practise as an attorney of this Court.

Mode of applying for admission.

Petition and documents to be left with the Registrar.

37. The mode of applying to be admitted an attorney shall be by petition. Such petition shall be left with the Registrar, together with, in the case of a person applying under Rule 1—

(1) The certificates required by Rule 1.

Or, in the case of a person applying under Rule 2—

(1) The certificates required by Rule 2.
(2) Proof of service under articles for 5 years.
(3) Proof of good character.

Or, in the case of a person applying under Rule 3—

(1) The certificates required by Rule 3.
(2) Proof of good character.

Or, in the case of an articled clerk,—the certificates of the Examiners to be issued under Rules 32 and 33.

And to be submitted by him to the Judge.

38. The Registrar shall submit the petition to be admitted an attorney, with the other documents to be left with him, to the Judge for the time being exercising original jurisdiction for his fiat.

Oaths to be taken before enrolment.

39. Every person applying to be admitted an attorney of this Court shall, before being admitted and enrolled, take and subscribe the oath or affirmation of allegiance, and also the following oath or affirmation:—

I, A B, do swear (or solemnly affirm) that I will truly and honorably demean myself in the practise of an attorney according to the best of my knowledge and ability.

Certificate of admission.

40. Every person on being admitted and enrolled as an attorney of this Court may, without the payment of any fee, besides the admission fee, obtain a certificate of admission under the signature of the Registrar and the seal of the Court.

Notice of examination.

41. Every person intending to undergo the Intermediate or Final examination prescribed by these rules (the examination prescribed by Rule 3 being deemed to be a Final examination) shall, before each half-yearly examination, give one calendar month's notice in writing to the Registrar stating his intention, and shall at the same time, and on each occasion of giving notice of examination, pay to the Registrar a fee of Rs. 50 if the notice be for an Intermediate examination, and a fee of Rs. 100 if the notice be for a Final examination.

Fees to be paid.

Renewed notice.

42. Every person who shall have given notice of his intention to appear at an Intermediate or a Final examination, or to apply for admission as an attorney, and who shall not have attended to be examined, or not have passed the examination, or not have been admitted, may renew the notice for examination or admission from time to time as often as he shall think proper, provided that every renewed notice shall be given in conformity with Rules 31 and 41, unless the Court shall otherwise order.

All expenses to be defrayed out of the fee fund.

43. All expenses that may be incurred on account of the examinations to be conducted under these rules, shall be defrayed by the Registrar out of the examination fee fund, and the balance of the fees realized on each examination shall be divided between the Examiners who shall conduct such examination, provided that no larger sum shall be received by any Examiner on account of any one examination than Rs. 300.

Balance of fees to be paid to the Examiners.

Account of fees to be filed at the end of every year.

44. The Registrar shall keep an account of all such fees as shall be paid to him under Rule 41, and shall at the end of each year file a statement of account signed by himself and two other Examiners.

Certificate of being on the roll of attorneys.

45. Any attorney of this Court may, on the payment of a fee of Rs. 5, to be paid by means of Court fees stamps, obtain a certificate, under the signature of the Registrar and the seal of the Court, that his name is borne on the roll of attorneys of this Court, and if such be the case, that he is a practising attorney of this Court.

All documents to be filed with the Registrar, who is to have the care of the rolls.

46. The Registrar of this Court on the Original Side, shall be the proper Officer for receiving and filing all such affidavits and documents as are required to be produced and filed under these rules, and shall have the custody and care of the rolls or books wherein persons are at present enrolled as attorneys, and shall enrol the name of every person who shall be admitted an attorney, with the date of his admission, in alphabetical order, in a roll or book to be kept by him for that purpose, to which roll or book all persons shall have free access without fee or reward.

Inspection of rolls.

Forms of notice.

47. Forms of notice of examination are set forth in the Schedule C hereunto annexed.

Applications under these rules by whom to be heard.

48. The Judge or Senior Judge of the Court for the time being exercising ordinary original civil jurisdiction shall hear all applications, the hearing of which is not otherwise provided for, and shall exercise all the powers of the Court under these rules, unless the Chief Justice shall otherwise specially direct.

Appeal from order.

49. A petition in writing appealing from any order made under the last preceding rule may be presented to the Chief Justice within one month from the date of such order. Such appeal shall be heard by any two or more Judges whom the Chief Justice shall appoint for that purpose.

When rules to take effect.

50. These rules shall take effect from the 1st day of August 1880, except as to persons who are now serving, or have already served, under articles of clerkship to some attorney of this Court, provided that every such person shall pay the fee payable under Rule 41, with the notice for the Intermediate or Final examination, on each occasion of giving such notice; and, except as to such persons and to all matters and things previously done in virtue thereof, all former rules for the admission of attorneys are hereby repealed.

Except as to persons already articled.

Former rules repealed.

SCHEDULE A, REFERRED TO IN RULE 20.

Questions as to due service of articles of clerkship, to be answered by the clerk.

1. What was your age at your last birth-day immediately preceding the date of your articles?
2. Have you served the whole term of your articles at the office where the attorney or attorneys to whom you were articled or assigned carried on his or their business? And if not, state the reason.
3. Have you, at any time during the term of your articles, been absent without the permission of the attorney or attorneys to whom you were articled or assigned? And if so, state the length and occasions of such absence.
4. Have you, during the period of your articles, been engaged or concerned in any, and, if any, what profession, business or employment other than your professional employment as clerk to the attorney or attorneys to whom you were articled or assigned?
5. Have you, since the expiration of your articles, been engaged or concerned, and for how long time, in any and what profession, trade, business or employment other than the profession of an attorney?

SCHEDULE B, REFERRED TO IN RULE 20.

Questions to be answered and certificate to be given by the attorney or attorneys with whom the clerk may have served any part of the time under his articles.

1. Has A B served the whole time of his articles at the office where you carry on your business? And if not, state the reason.
2. Has the said A B, at any time during the term of his articles, been absent without your permission? And if so, state the length and occasions of such absence.
3. Has the said A B, during the period of his articles, been engaged or concerned in any, and if any, what profession, business or employment other than his professional employment as your articled clerk?
4. Has the said A B, during the whole term of his clerkship, with the exceptions above-mentioned, been faithfully and diligently employed in your professional business of an attorney?
5. Has the said A B, since the expiration of his articles, been engaged, or concerned, and for how long time, in any, and, if any, what profession, trade, business or employment other than the profession of an attorney?
6. How long did you practise as an attorney before the said A B was bound under his articles to you?
7. Have you, during the whole period of the service of the said A B under his articles to you, been actually practising as an attorney in this Court on your own behalf, and not as clerk to any other attorney?

And I do hereby certify that the said A B has duly and faithfully served under his articles of clerkship (or assignment, as the case may be) bearing date, &c., for the term therein expressed, and that he is a fit, and proper person to be admitted an attorney.

SCHEDULE C, REFERRED TO IN RULE 47.

Notice is hereby given that A B of No. in the town of Calcutta, and who was lately (or is now) under articles of clerkship to Mr. C D of , attorney-at-law (and who was also lately or is now) under articles of clerkship by assignment from the said Mr. C D to Mr. E F of , aforesaid (attorney-at-at-law), intends to present himself at the next examination to be held under Rule 3 [or Rule 16, or Rule 18], of the rules for the admission of attorneys; and also intends (if the examination be under Rule 3 or Rule 18), on passing such examination, to apply to be admitted an attorney of Her Majesty's High Court of Judicature at Fort William in Bengal.

RICHARD GARTH.
CHARLES PONTIFEX.
G. G. MORRIS.
J. SEWELL WHITE.
W. F. McDONELL.
H. T. PRINSEP.
A. WILSON.
L. R. TOTENHAM.
L. BROUGHTON.
ALEX. T. MACLEAN.
CHARLES D. FIELD.

The 23rd July 1880.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.—The under-mentioned Estates having come under charge of this Office, all persons having claims upon, being indebted to, or holding property belonging to the said Estates, are requested to place themselves in immediate communication with the undersigned:—

William Jenkyns, of the Bengal Civil Service, Secretary to the Cabul Embassy, died at Cabul, on the 5th September 1879.

Charles Morrison Moyle, of Allahabad, in the North-Western Provinces of India, at Allahabad, on the 16th September 1879.

Walter Richard Pollock Hamilton, a Lieutenant in the Bengal Staff Corps, at Cabul, on the 3rd September 1879.

Edward Hardy, a Lieutenant in the Royal Horse Artillery, at Chardeh Valley, near Cabul, on the 11th December 1879.

William Percival Graves, a Captain in the Royal Artillery, at Peshawar, on the 24th September 1879.

George Graham Dawes, a Lieutenant in the 1st Regiment of Bengal Cavalry, at Kohat, on the 8th June 1879.

John George Pew, an Engineer in the Department of Public Works, Irrigation Branch, at Penang, on the 28th April 1880.

John Blessington Roberts, Superintendent Stamps and Stationery, Calcutta, at Calcutta, on the 5th May 1880.

Francis Garden Kinloch, a Lieutenant and Adjutant of Her Majesty's 5th Bengal Cavalry, in Kurram Pass, Cabul, on the 29th September 1879.

Charles Maxwell, M.D., of Langholm, Dumfrieshire, in Scotland, at Langholm, on the 31st May 1845.

Samuel Edward Latham Lendrum, a Lieutenant in the Royal Artillery, at Kokaran, near Kandahar, on the 30th April 1879.

Hannan Baillie Hooper, a Captain in the Indian Army, residing at Cliveland Place, Exmouth, in the County of Devon, in England, in England, on the 22nd October 1871.

Frederick S. Forbes, of Sultanpore, near Purneah, on the 22nd January 1880.

George Minoss, an Assistant in the Calcutta Customs Department, at Calcutta, on the 19th June 1880. Certificate granted under Section 36, Act II of 1874, to Manuel Aratoon Minoss, father of the deceased.

Arthur Mee Fuller, Chief Mate of the Steam Tug *Columbus*, at Calcutta, on the 5th June 1880. A like certificate granted to Georgiana Henrietta Fuller, widow of the deceased.

Peter Melville, of No. 2, Cullen Place, Howrah, but formerly an Accountant in the service of the India General Steam Navigation Company, Limited, at Howrah, on the 30th June 1880. A like certificate granted, under Section 37, to Messrs. Cones & Co., creditors of the deceased.

Thomas Chennell, an Assistant in the Moran Tea Factory, at Luckimpore, in Assam, at Makbooti, in the Seebsaugor District, on the 2nd September 1878. A like certificate granted to Messrs. Cooke & Kelvey, creditors of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 16th July 1880.

SURVEY OF INDIA.

NOTIFICATION.

Mussoorie, the 27th July 1880.

No. 185.—The under-mentioned Assistant Surveyors having retired on the dates specified opposite their names, *viz.*:—

Mr. R. Anderson, Assistant Surveyor, 2nd Grade, on the 23rd May 1880,

Mr. G. L. R. Scott, Assistant Surveyor, 2nd Grade, on the 10th June 1880,

the following promotions are made:—

With effect from the 11th June 1880.

Mr. C. W. F. Seyers, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

Mr. D. J. Collins, Assistant Surveyor, 4th Grade, to be Assistant Surveyor, 3rd Grade.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 29th July 1880.

No. 14.—Mr. M. Simpson, an Assistant Superintendent of the 1st Grade, is allowed furlough for nine months and six days, under Section 21 of the Civil Leave Code, with effect from the 10th July 1880.

No. 15.—Mr. W. K. D. Bignell, an Officiating Superintendent of the 1st Grade, is allowed privilege leave for three months, under Section 44 the Civil Leave Code, with effect from the afternoon of the 19th July 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 21st July 1880.

No. 1207.—Major H. M. B. Burlton, Cantonment Magistrate, Mhow, is granted ninety days' privilege leave, from 11th August 1880, or from such date as he may avail himself thereof.

By Order,

D. W. K. BARR,
1st Asstt. Agent, Govr. Genl.,
for Central India.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 20th July 1880.

No. 1992 S.—Mr. C. B. Target, Executive Engineer, 2nd Grade (transferred to Rajputana as per Government of India, Public Works Department, Notification No. 177, dated 7th June 1880) reported his arrival at Ajmere on the morning of the 15th June 1880, and took over charge of the Ajmere Division, from Mr. J. Rollo, Assistant Engineer, 1st Grade, on the afternoon of the 18th idem.

By Order,

J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General,
and Chief Commr., in the P. W. D., Rajputana.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Sirhind & Lahore Command.

The 21st July 1880.

No. 75.—Lieutenant G. H. Sim, R.E., Assistant Engineer, reported his arrival at Umballa on the forenoon of the 15th instant.

The 22nd July 1880.

No. 76.—Mr. A. Grant, Assistant Engineer, Umballa Division, Military Works, granted three months' language leave in Inspector General, Military Works' Notification No. 26, dated 19th June 1880, availed himself of the same on the forenoon of the 19th July 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command,
Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 24th July 1880.

No. 15.—Mr. L. E. H. Yates, Assistant Locomotive Superintendent, 3rd Class, Superior Revenue Establishment, is transferred from the Indus Valley State Railway to the Punjab Northern State Railway.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 22nd July 1880.

No. 104.—The under-mentioned Officer has been granted by Her Majesty's Secretary of State leave for ten months, in extension of the leave granted in Director of Stores' Notification No. 7, dated the 18th August 1879 :—

Mr. J. G. Furnivall, Store-keeper, 1st Grade.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY SURVEY.

NOTIFICATION.

Pachmarhi, the 23rd July 1880.

No. 2.—With reference to Director General of Railways' Notification No. 95 of 13th instant, Mr. J. A. Greenwood, Assistant Engineer, 2nd Grade, reported his departure on three months' language leave, therein granted, on this afternoon.

H. T. GEOGHEGAN,
Engineer-in-Chief,
Bhopal State Railway Survey.

KANDAHAR STATE RAILWAY, Harnai and Gulistan Sections.

NOTIFICATIONS.

Sharagh, the 22nd June 1880.

No. 33.—Mr. R. N. Roberts, Assistant Engineer, 2nd Grade, Nari Division, is granted three months' privilege leave, with effect from 20th May 1880.

The 30th June 1880.

No. 34.—Mr. P. P. Dease, Executive Engineer, 4th Grade (temporary rank), is posted to the Gwal Division.

The 14th July 1880.

No. 35.—With reference to Notification No. 201 of *Gazette of India*, Part I, dated 26th June 1880, Major E. D. Twemlow, R.E., was relieved of his duty on this line of Railway on the forenoon of the 15th July 1880.

The 16th July 1880.

No. 36.—Mr. E. H. Clementson, Assistant Engineer, 2nd Grade, transferred to this Railway under Director General of Railways' Notification No. 64, dated 22nd April 1880, reported his arrival at Nari on the forenoon of the 6th July, and is posted to the Sharagh Division.

The 17th July 1880.

No. 37.—Mr. B. Baxter, Executive Engineer, 4th Grade (temporary rank), was permitted to avail himself of the three months' special leave granted in Government of India Resolution No. 079-080 R.-C., dated 6th February 1880, from the forenoon of 12th July 1880.

J. G. LINDSAY, *Col., R.E.,*
Engineer-in-Chief.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATIONS.

Nimach, the 21st July 1880.

No. 25.—With reference to this Office Notification No. 22, dated 1st July 1880, Mr. T. W. Grant, Assistant Engineer, 1st Grade, assumed charge of the Gungrar Sub-Division, 2nd Division, Nimach-Nasirabad State Railway, from Assistant Engineer Mr. R. F. Coppin, on the forenoon of the 14th idem.

No. 26.—Mr. R. C. Beeston, Executive Engineer, temporary 4th Grade, availed himself of the three months' privilege leave, granted to him in this Office Notification No. 19, dated 1st June 1880, on the afternoon of the 15th instant.

WM. B. CARTER,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Pindi-Peshawar Section.

NOTIFICATION.

Rawalpindi, the 24th July 1880.

No. 26.—Mr. E. H. Tuck, Assistant Engineer, 2nd Grade, is transferred from the Office of Engineer-in-Chief to the Attock Bridge Division.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Rathial-Pindi Section.

NOTIFICATION.

Rawalpindi, the 17th July 1880.

No. 8.—With reference to Director General of Railways' Notification No. 88 of 28th June 1880, Mr. J. H. Allen, Assistant Traffic Superintendent, joined this Section on the 1st July 1880.

The 24th July 1880.

No. 9.—Mr. H. B. Molesworth, Assistant Engineer, 1st Grade, is transferred from the Jhelum to the Sohan Division. He left the former on the forenoon of the 16th July 1880, and joined the latter on the forenoon of 17th idem.

No. 10.—Mr. L. G. Prickett, Assistant Engineer, 2nd Grade, is transferred from the Sohan to the Jhelum Division. He left the former on the forenoon of the 14th July 1880, and joined the latter on the afternoon of the 14th idem.

F. L. DIBBLEE,
Offg. Engineer-in-Chief.

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 22nd July 1880.

No. 3.—Mr. H. H. Gahan, Officiating Executive Engineer, Construction Division, reported his return from the three months' privilege leave, granted to him in this Office Notification No. 2, dated 21st April 1880, on the forenoon of the 18th July 1880. The unexpired portion of his leave is hereby cancelled.

H. D. LATOUCHE,
Engineer-in-Chief,
Sindia State Railway.

TREASURE TROVE.

It is hereby notified under Section 5 of "The Indian Treasure Trove Act (VI of 1878)," that, on the 23rd May 1880, treasure consisting of 6 copper idols valued at Rs. 30, was found in the village of Pannal in the Tritrapundi Taluk, Tanjore District, Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Tanjore, at his Office, on the 8th December 1880, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

FORSTER WEBSTER,
Collector.

The 2nd July 1880.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 29th July 1880 ... Rs. 1,00,67,937-10-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 30th July 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 19	...	1,17,721	...	...	78,09,694	37,91,450
" 20	...	82,132	...	...	78,15,152	37,12,031
" 21	...	...	...	...	77,64,487	37,12,031
" 22	...	...	...	...	75,72,874	37,12,031
" 23	...	...	...	...	74,73,045	37,12,031
" 24	...	...	...	...	73,73,107	37,12,031

CALCUTTA MINT,
The 26th July 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

Statement of the Affairs of the Bank of Bengal for the week ending 27th July 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,615	0	0
Public Deposits at Head Office (Rs. 1,95,05,650 11 5)	4,07,63,027	9	5
Public Deposits at Branches (Rs. 2,12,57,376 14 0)			
Other Deposits at Head Office and Branches	2,78,22,376	4	10
Bank Post Bills, &c.	5,31,366	8	10
Sundries	10,93,880	3	1
RUPEES	9,25,00,265	10	2

ASSETS.	Rs.	A.	P.
Government Securities	1,35,44,372	0	0
Loans on Government Securities, &c., at Head Office and Branches	60,67,420	1	0
Accounts of Credit on Government Securities, &c., at Head Office and Branches	54,43,025	7	11
Bills discounted and purchased at Head Office and Branches	2,02,68,792	15	8
Balances with other Banks	3,25,271	12	6
Bullion	62,380	7	8
Dead Stock	10,45,833	5	8
Stamps	8,641	10	0
Sundries	5,16,106	9	10
	4,72,81,844	6	3
Cash and Currency Notes at Head Office (Rs. 1,89,05,530 11 3)	4,52,18,421	3	11
Cash and Currency Notes at Branches (Rs. 2,63,12,890 8 8)			
RUPEES	9,25,00,265	10	2

By order of the Directors,

BANK OF BENGAL,
Calcutta, 29th July 1880.

W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 24th July 1880.

No. 15.—Mr. L. E. H. Yates, Assistant Locomotive Superintendent, 3rd Class, Superior Revenue Establishment, is transferred from the Indus Valley State Railway to the Punjab Northern State Railway.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 22nd July 1880.

No. 104.—The under-mentioned Officer has been granted by Her Majesty's Secretary of State leave for ten months, in extension of the leave granted in Director of Stores' Notification No. 7, dated the 18th August 1879 :—

Mr. J. G. Furnivall, Store-keeper, 1st Grade.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY SURVEY.

NOTIFICATION.

Pachmarhi, the 23rd July 1880.

No. 2.—With reference to Director General of Railways' Notification No. 95 of 13th instant, Mr. J. A. Greenwood, Assistant Engineer, 2nd Grade, reported his departure on three months' language leave, therein granted, on this afternoon.

H. T. GEOGHEGAN,
Engineer-in-Chief,
Bhopal State Railway Survey.

KANDAHAR STATE RAILWAY, Harnai and Gulistan Sections.

NOTIFICATIONS.

Sharagh, the 22nd June 1880.

No. 33.—Mr. R. N. Roberts, Assistant Engineer, 2nd Grade, Nari Division, is granted three months' privilege leave, with effect from 20th May 1880.

The 30th June 1880.

No. 34.—Mr. P. P. Dease, Executive Engineer, 4th Grade (temporary rank), is posted to the Gwal Division.

The 14th July 1880.

No. 35.—With reference to Notification No. 201 of *Gazette of India*, Part I, dated 26th June 1880, Major E. D. Twemlow, R.E., was relieved of his duty on this line of Railway on the forenoon of the 15th July 1880.

The 16th July 1880.

No. 36.—Mr. E. H. Clementson, Assistant Engineer, 2nd Grade, transferred to this Railway under Director General of Railways' Notification No. 64, dated 22nd April 1880, reported his arrival at Nari on the forenoon of the 6th July, and is posted to the Sharagh Division.

The 17th July 1880.

No. 37.—Mr. B. Baxter, Executive Engineer, 4th Grade (temporary rank), was permitted to avail himself of the three months' special leave granted in Government of India Resolution No. 079-080 R.-C., dated 6th February 1880, from the forenoon of 12th July 1880.

J. G. LINDSAY, *Col., R.E.,*
Engineer-in-Chief.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATIONS.

Nimach, the 21st July 1880.

No. 25.—With reference to this Office Notification No. 22, dated 1st July 1880, Mr. T. W. Grant, Assistant Engineer, 1st Grade, assumed charge of the Gungrar Sub-Division, 2nd Division, Nimach-Nasirabad State Railway, from Assistant Engineer Mr. R. F. Coppin, on the forenoon of the 14th idem.

No. 26.—Mr. R. C. Beeston, Executive Engineer, temporary 4th Grade, availed himself of the three months' privilege leave, granted to him in this Office Notification No. 19, dated 1st June 1880, on the afternoon of the 15th instant.

WM. B. CARTER,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Pindi-Peshawar Section.

NOTIFICATION.

Rawalpindi, the 24th July 1880.

No. 26.—Mr. E. H. Tuck, Assistant Engineer, 2nd Grade, is transferred from the Office of Engineer-in-Chief to the Attock Bridge Division.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Rathial-Pindi Section.

NOTIFICATION.

Rawalpindi, the 17th July 1880.

No. 8.—With reference to Director General of Railways' Notification No. 88 of 28th June 1880, Mr. J. H. Allen, Assistant Traffic Superintendent, joined this Section on the 1st July 1880.

The 24th July 1880.

No. 9.—Mr. H. B. Molesworth, Assistant Engineer, 1st Grade, is transferred from the Jhelum to the Sohan Division. He left the former on the forenoon of the 16th July 1880, and joined the latter on the forenoon of 17th idem.

No. 10.—Mr. L. G. Prickett, Assistant Engineer, 2nd Grade, is transferred from the Sohan to the Jhelum Division. He left the former on the forenoon of the 14th July 1880, and joined the latter on the afternoon of the 14th idem.

F. L. DIBBLEE,
Offg. Engineer-in-Chief.

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 22nd July 1880.

No. 3.—Mr. H. H. Gahan, Officiating Executive Engineer, Construction Division, reported his return from the three months' privilege leave, granted to him in this Office Notification No. 2, dated 21st April 1880, on the forenoon of the 18th July 1880. The unexpired portion of his leave is hereby cancelled.

H. D. LATOUCHE,
Engineer-in-Chief,
Sindia State Railway.

TREASURE TROVE.

It is hereby notified under Section 5 of "The Indian Treasure Trove Act (VI of 1878)," that, on the 23rd May 1880, treasure consisting of 6 copper idols valued at Rs. 30, was found in the village of Pannal in the Tritrapundi Taluk, Tanjore District, Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Tanjore, at his Office, on the 8th December 1880, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

FORSTER WEBSTER,
Collector.

The 2nd July 1880.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 29th July 1880 ... Rs. 1,00,67,937-10-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 30th July 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 19	...	1,17,721	...	...	78,09,694	37,91,450
" 20	...	82,132	...	...	78,15,152	37,12,031
" 21	...	...	...	...	77,64,487	37,12,031
" 22	...	...	...	...	75,72,874	37,12,031
" 23	...	...	...	...	74,73,045	37,12,031
" 24	...	...	...	...	73,73,107	37,12,031

CALCUTTA MINT,
The 26th July 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

Statement of the Affairs of the Bank of Bengal for the week ending 27th July 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,615	0	0
Public Deposits at Head Office	Rs. 1,95,05,650 11 5	4,07,63,027	9	5
Public Deposits at Branches	2,12,57,376 14 0			
Other Deposits at Head Office and Branches		2,78,22,376	4	10
Bank Post Bills, &c.		5,31,366	8	10
Sundries		10,93,880	3	1
RUPEES		9,25,00,265	10	2

ASSETS.		Rs.	A.	P.
Government Securities		1,35,44,372	0	0
Loans on Government Securities, &c., at Head Office and Branches		60,67,420	1	0
Accounts of Credit on Government Securities, &c., at Head Office and Branches		54,43,025	7	11
Bills discounted and purchased at Head Office and Branches		2,02,68,792	15	8
Balances with other Banks		3,25,271	12	6
Bullion		62,380	7	8
Dead Stock		10,45,833	5	8
Stamps		8,641	10	0
Sundries		5,16,106	9	10
		4,72,81,844	6	3
Cash and Currency Notes at Head Office	Rs. 1,89,05,530 11 3	4,52,18,421	3	11
Cash and Currency Notes at Branches	2,63,12,890 8 8			
RUPEES		9,25,00,265	10	2

By order of the Directors,

BANK OF BENGAL,
Calcutta, 29th July 1880.

W. WESTLAND,
Offg. Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th July 1880.

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	Transfer Loan of 1879, seven shillings sterling per cent. portion.	5 per cent. Debenture for 15 years, re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 30th June 1880	54,100	38,506	2,346	15,46,880	30,90,700	2,51,82,800	1,11,50,500	1,85,61,400	3,15,51,000	47,73,600	4,43,000	97,88,400	8,69,60,800	1,01,700	34,14,000	67,800	1,48,200	19,68,75,732
Add—																		
Amount enfaced at Madras between 1st and 15th July 1880	...	...	...	...	500	1,300	6,000	...	...	...	...	...	...	...	...	...	...	7,800
Amount enfaced at Bombay between 1st and 15th July 1880	...	...	...	...	...	1,000	2,000	22,000	500	...	...	70,000	53,000	...	...	...	...	1,48,500
Amount enfaced at Calcutta between 1st and 15th July 1880	...	...	...	...	500	23,100	6,900	20,000	13,500	3,300	...	12,100	79,200	...	22,000	...	...	1,80,600
	54,100	38,506	2,346	15,46,880	30,91,700	2,52,08,200	1,11,65,400	1,86,03,400	3,15,65,000	47,76,900	4,43,000	98,70,500	8,70,93,000	1,01,700	34,36,000	67,800	1,48,200	19,72,12,632
Deduct—																		
Amount written off in the London Registers	...	...	...	...	1,100	1,88,800	10,000	93,300	5,78,500	1,500	...	20,500	85,500	...	...	2,000	8,000	9,89,200
Balance on 15th July 1880	54,100	38,506	2,346	15,46,880	30,90,600	2,50,19,400	1,11,55,400	1,85,10,100	3,09,86,500	47,75,400	4,43,000	98,50,000	8,70,07,500	1,01,700	34,36,000	65,800	1,40,200	19,62,23,432

NOTE.—From 9th June 1867 to 15th May 1880, enfaced from India, 3,553 lakhs; re-transferred from London, 3,254 lakhs.
" 16th May 1880 to 31st " 19 " 9 "
" 1st June " to 15th June " 34 " 13 "
" 16th " " to 30th " 1 " 9 "
" 1st July " to 15th July " 3 " 9 "
3,918 lakhs. 3,304 lakhs.
3,304 "
Balance against India 614 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 29th July 1880.

R. HARDIE,
Secretary and Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Akola Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
K 3—23596 ...	50	Nanukram Santullal, of Khamgaum.
K 7—38422 ...	5	Balcrishna Pandurung, Cashier, Currency Office, Akola.
K 7—38398 ...	5	Mr. C. Rechtern, Assistant Jailor, Akola.

AKOLA,
The 23rd July 1880.

C. W. A. DAVIES,
Asstt. Commr. of Paper Currency.

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
198	... D 16—21704 ...	10	Baboo Gopal Chunder Ghose, Calcutta.
199	... D 18—50248 ...	100	Sirdar Baghel Singh, Baraich.
	„ —50249 ...	100	
	„ —50250 ...	100	
	„ —50251 ...	100	
200	... D 18—37696 ...	100	The Chief Inspector of Post Offices, Afghanistan.
201	... D 12—19382 ...	5	The Post Master General, N. W. P., Naini Tal.
202	... D 14—09591 ...	20	Alie Hossein, Jounpore.
	„ —19612 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
124	... D 12—28850 ...	5	Pundit Maharaj Narain, Allahabad.
125	... D 16—03638 ...	10	Gungadhur Rao Goray Jignee, Nowgong.
126	... D 5—92722 ...	20	The Agent, Oriental Bank Corporation, Madras.
127	... D 9—45528 ...	1,000	Mr. J. W. Warton, Allahabad.
129	... D 16—09635 ...	10	Gobind Ram, Gujranwala.
130	... D 18—52380 ...	100	Raja Ram, Allahabad.
	„ —52819 ...	100	
131	... D 16—03280 ...	10	Mr. J. R. Edmondson, Cawnpore.
132	... D 18—32187 ...	100	Mr. A. S. Gerrard, Beawur, *via* Ajmere.
	„ —38594 ...	100	
133	... D 5—90890 ...	20	Babu Kedar Nath Banerjee, Calcutta.
17	... D 11—28193 *	10	Mr. J. J. Allen, Calcutta.
	„ —28191		
18	... D 5—88033 *	20	Motee Ram Jha, Benares.
	„ —88039		

* Mismatched.

ALLAHABAD,
The 28th July 1880.

W. H. EGERTON, *A.A.-G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
150.		20	W. A. Steeves, Bombay.
H119	... M 34—60383 ...	10	Mathooradass Ramdass, Bombay.
H120	... M 47—96083 ...		
M41	... M 23—08605	50	Vajeshunker Gaorishunker, Bhaonagar.
	„ —70903		
	M 5—08922	50	
	M 23—08574		

BOMBAY,
The 27th July 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
139	... O 68—25596 ...	100	Father E. Lafont, S. I.
141	... O 73—21376 ...	1,000	Babu Jodu Nath Ghose.
	„ —73680 ...	1,000	
	O 68—53926 ...	100	
142	... O 59—39610 ...	20	Babu Rusick Lal Singh.
143	... O 70—72905 ...	500	Babu Sriram Mondle.
144	... O 31—58606 ...	50	Mr. Ezra Isac.
145	... O 56—70310 ...	20	The Post Master General, N. W. Provinces.
	O 59—46743 ...	20	
	„ —62255 ...	20	
	„ —71316 ...	20	
	„ —79484 ...	20	
	O 51—57502 ...	10	
146	... O 73—49389 ...	1,000	Issur Chunder Srinath Coondu.
	L 83—39561 ...	100	
147	... L 93—56148 ...	50	Babu Rajendra Lal Shaha.
148	... O 70—58606 ...	500	Shojeeram Sohun Lal.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
96	... L 6—36038 ...	10	Babu Haran Chunder Mookerjee.
	L 33—56326 ...		
97	... O 14—01704 ...	10	Babu Debendro Nath Bysack.
	„ —40904 ...		
98	... L 56—62073 ...	5	Babu Kunja Behari Sarkar.
	„ —62074 ...		
99	... L 48—35982 ...	20	Babu Umbica Churn Chatterjee.
	„ —35985 ...		
	L 55—67181 ...	5	
	„ —67180 ...		
154	... O 80—51074 ...	10	Mrs. Boerres.
155	... O 48—31371 ...	10	The Post Master General, Madras.
156	... O 37—33306 ...	5	Babu Huri Chand.
157	... O 68—27976 ...	100	Babu Hurosundra Mojoomdar.
158	... A 98—93607 ...	10	Ramchand Bera.
159	... L 88—38753 ...	10	Ram Dutt Toong Ram.
160	... L 81—28288 ...	50	Babu Boycuntonath Paul.
	L 92—80740 ...	50	
	O 3—57964 ...	20	
	L 12—88804 ...	20	
	O 21—95027 ...	20	
	„ —02851 ...	20	
	O 2—52563 ...	20	
161	... O 59—33319 ...	20	Messrs. C. Lazarus & Co.
162	... O 77—08563 ...	10	Keraia Lall.

CALCUTTA,
The 30th July 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
60	... E 17—17079 ...	20	The Chief Inspector of Post Offices, North Afghanistan, Peshawar.
	„ —17455 ...	20	
	„ —24333 ...	20	
	E 13—68757 ...	100	
	„ —68731 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
58	... E 12—96486 ...	20	R. Brunton, Esq., through the Dy. Agent, S. P. and D. Ry., Kurrachee.
86	... E 17—36896 ...	20	F. W. DeMonte, Esq., Simla.
89	... E 15—53703 ...	50	Duni Chand, Thull.
96	... E 16—75376 ...	10	Lieut. E. W. Brodie, 60th Rifles, Dugshai.
	„ —57261 ...	10	
100	... E 16—78312 ...	10	Revd. W. Keegan, Delhi.
104	... E 17—03861 ...	20	Lieut. H. P. P. Leigh, Assistant Commissioner, Hoshiarpur.
	E 15—54760 ...	50	
97	... E 12—95753 ...	20	Messrs. Hamilton & Co., Calcutta.

LAHORE,
The 24th July 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
33 ...	B 51—16962 ...	500	Kedarnauth Doss, Calcutta.
	„ —16964 ...	500	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
67 ...	B 56—80099 ...	10	Adoor Venkata Charlu, Vakeel, District Munsiff's Court, Kavali, Nellore District.
68 ...	B 60—19062 ...	10	P. R. Visoovanatha Pillai, Head Conicopoly, Madras Pier, Madras.
69 ...	B 60—02825 ...	10	Amildar, Mulbagul Taluk, Mysore District.
	„ —28805 ...	10	
	B 57—56523 ...	20	
70 ...	B 47—02670 ...	5	A. P. Murugesa Mudali, Head Clerk, Forest Office, Nundidroog Division, Bangalore.
	„ —02675 ...	5	
71 ...	B 57—11302 ...	20	Cootagoadh Singabulla, Shoingary Coppa Taluk, Chickmuglur.
	B 59—14146 ...	100	
	„ —45751 ...	100	
72 ...	B 58—69857 ...	100	Muni Ramiah, care of Guniva Ismal Saib, 14, Mundy, Periamett, Madras.
	„ —75635 ...	100	
13 ..	B 62—91170 *	100	Agent, Bank of Madras, Negapatam.
	„ - 91172 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 19th July 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept.,
for *Offg. Commissioner.*

CALCUTTA UNIVERSITY.

NOTICE.

The Senate of the University of Calcutta will proceed in the month of August next to the election of a Tagore Law Professor for such term as the Senate may approve.

The salary of the Professorship is Rs. 10,000 per annum, and one of the conditions of the appointment is, that the Professor shall deliver in each year a course of lectures on some branch of law.

Candidates for the Professorship are requested to forward their applications to the Registrar before the 31st July, and at the same time to state on what subject or subjects they are prepared to lecture.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 17th July 1880.

WANTED

A Draftsman for six months, salary Rs. 50 per month.

He must be competent to take out quantities and check measurements of Estimates from the Drawings.

Apply, with copies of testimonials, which will not be returned, to the Executive Engineer, Military Works, Morar.

Replies will not be sent to unsuccessful applicants.

J. H. CROWDY, *Major, R.E.,*
Executive Engineer,
Morar Division, Military Works.

MORAR,
The 5th July 1880.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 30th July 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	7th Aug.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	2nd „	Str. *Scindia*,
Madras and Ceylon	6-30 „	3rd „	P. & O. Str. *Tanjore.*
Foreign Mails *viâ* Bombay	6-30 „	4th „	From Bombay.
Do. Book post and pattern packets	6-30 „	3rd „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	5th „	Str. *Mecca.*
Chittagong, Akyab, and Rangoon	6-30 „	6th „	Str. *Busheer.*
Persian Gulf	6-30 „	31st July	From Bombay.
Port Blair and Camorta	6-30 „	6th Aug.	Str. *Satara.*

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 30th July 1880.

Allen, Thomas.
Andrews, S. J.
Angelo, H.
Baily, Mrs. F. G.
Bale, A. C.
Batters, Author.
Barry, Wills.
Bason, E.
Bell, Miss Addy.
Bennett, William J.
Blackey, Mrs.
Blanchard, S.
Bradwell, Joseph.
Brown, T. A.
Burgess, Miss A.
Case, Capt. F.
Christie, Lt. (R.E.)
Clarke, E.
Collins, Major W. H.
Cummings, Miss.
Cookson, Surgeon-Major H.
Cooper, W. J. M.
Corcoran, J.
Cosgrove, G. H.
Crawford, Major C.
Crook, H. J. J.
Corbitt, W. L.
Dundas, P. A. C.
Fitzgerald, Mrs. M. E.
Gonsalves, J.
Gordon, Mrs.
Hall, F.
Holt, Mrs. J.
Jacob, Essack.
Jellovitz, L.
Jones, J. T.
Keene, J.
Lavett, Mrs.
Lewis, W. C.
Lima, T. C.
Lewis, Mrs. A.
Lyell, Mrs. J. E.
McDonel, Dr. J. C.
McLeod, .
Merriman, Inspector C. F.
Mircado, Mrs.
Morrison, C. S.
Nozaret, R. C.
O'Brien, D.
O'Lever, A. S.
Palmer, R.
Palmer, H. J.
Perkins, Master W.
Powell, J. F.
Ransome, Jas.
Rivers, Mrs. M. A.
Salona, Mrs.
Shircore, M. C.
Smith, Mrs. Anna.
Stains & Co.
Thompson, E.
Thompson, H. D.
T. F.
Tucker, W. F.
Urage, Miss J.
Windle, Mrs.

Letters marked "Care of Post Office, to be kept till called for."

Anderson, C.
Anson, Capt.
B. F.
Blockton, J. W.
Bordilon, Mons. J.
Brown, Miss Mary.
Braham, Mrs. Annie.
Byford, H.
"Carlos."
C. G. C.
Coombs, J. W.
DeBell, Geo.
Deseso Conte.
Douglas, J. W.
Dionysius, Haddens.
Gierson, Mrs.
Hancock, Mrs.
Hayward, Miss Isabella.
Hilton, Mrs. F. F.
Innis, G. R.
Jacob, S.
Jackson, W.
Johnston, J. D.
Kalber, August.
Kack, Mrs. E.
Kelly, F. J.
Kleyne, Mrs. Fanny.
Mann, Alex.
Matheson, Alex.
Mecklen, Geo.
McWilliams, J.
Michael, G.
Miller, Mrs. Annie.
Monrell, James.
Owbridge, H.
Paul, R. C. (Searcher-General.)
Phulan, T. W.
Priscilla, R.
Reid, R.
Robinson, Geo.
Rourke, G.
Secunder.
Seth, A.
Schmidt, C.
Sher Shah, Moonshe.
Silvestri, Signore E.
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Smith, W.
Snow, A. Wilson.
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Strathmore, Miss W.
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Thomson, John.
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Wall, W. M.
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West, Mrs. H.
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Wilkinson, W. T.
Wood, W.
X. Y. Z.
Young, Colonel W. S.

Newspapers.

Anderson, Charles.
Buchanan, Bavery.
Donaldson, J. Y.
Richard, John.
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CALCUTTA, SATURDAY, AUGUST 7, 1880.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

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BANK OF BENGAL.

NOTICES.

Calcutta, the 31st July 1880.

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Mr. J. Gordon, on his return from leave, has resumed his appointment as Chief Accountant and Deputy Secretary.

Mr. W. Westland has been appointed Inspector of Branches.

Mr. J. W. Russell has been appointed Superintendent of the Depositors' Department.

The 2nd August 1880.

The Directors have made the following changes in the Bank's Establishment:—

Mr. F. A. Gillam, on his return from furlough, has resumed charge of the Rangoon Branch, and Mr. Thos. Smith has reverted to his substantive appointment of Agent at [illegible].

Mr. David Fraser, lately Acting Agent at Moulmein, has been appointed Agent at Dacca, *vice* Mr. MacBean.

Mr. G. H. Edmunds has been transferred from the Lahore to the Allahabad Branch as Accountant, and Mr. H. Gray, from Head Office, has been appointed Accountant at Lahore.

R. HAMILTON,
Secretary & Treasurer.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 3rd August 1880.

No. 6.—Mr. J. R. Scott, Assistant Surveyor, 2nd Grade, is granted privilege leave for two

months, under Section 13, Supplement F, of the Civil Leave Code, with effect from 1st September next.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATIONS.

Port Blair, the 16th July 1880.

No. 6.—With reference to Home, Revenue and Agricultural Department No. 188 of the 14th June 1880, published in the *Gazette of India* of the 19th idem, Surgeon W. Beatson reported his arrival at Port Blair on the afternoon of the 15th and assumed charge of his duties on the morning of the 16th July 1880.

No. 7.—Surgeon J. Routh, in medical charge of the Detachment, Her Majesty's 89th Foot, officiated as Senior Medical Officer, Port Blair, from 28th May to the 15th July 1880, inclusive.

T. CADELL, *Lieut.-Col.,*
Offg. Chief Commr. of the Andaman and Nicobar Islands.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 27th July 1880.

No. 33.—Mr. J. D. Davies, Assistant Engineer, is appointed to officiate as Executive Engineer, Barrackpore Division, Military Works, during the absence of Mr. W. H. King, Executive Engineer, on privilege leave.

The 29th July 1880.

No. 34.—Mr. G. F. Lamb, Assistant Engineer, is appointed to officiate as Executive Engineer, Agra Division, Military Works, during the absence of Lieutenant J. T. Johnston, R.E., Executive Engineer, on privilege leave.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Presidency & Oudh Command.

Lucknow, the 29th July 1880.

No. 10.—Captain J. F. Garwood, R.E., Executive Engineer, 3rd Grade, on his return from the three months' privilege leave granted in this Office Notification No. 3 of 23rd March 1880, resumed charge of the Lucknow Division, Military Works, from Mr. T. H. Jewett, C.E., Officiating Executive Engineer, on the forenoon of 29th July 1880.

W. R. TUCKER, *Lieut.-Col., R.E.,*
Supdg. Engr., Presidency & Oudh Command, Military Works.

Sirhind & Lahore Command.

The 2nd August 1880.

No. 77.—Mr. M. R. Laekersteen, Executive Engineer, made over, and Lieutenant G. H. Sim, R.E., Assistant Engineer, received, charge of the Lahore Division, Military Works, on the forenoon of the 27th July 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 27th July 1880.

No. 105.—Mr. A. Bewley, Assistant Engineer, 2nd Grade, is transferred from the Sukkur Bridge Division, Indus Valley State Railway, to the Hurnai and Gulistan-Karez Sections, Kandahar State Railway.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Mooltan, the 30th July 1880.

No. 14.—With reference to Notification No. 12, dated 16th July 1880, by the Consulting Engineer for Guaranteed Railways, Lahore, Mr. J. R. H. Allaway, Assistant Locomotive Superintendent, reported his arrival at Adamwahan on the forenoon of the 11th July 1880.

No. 15.—With reference to Notification No. 13, dated 16th July 1880, by the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, Mr. N. M. Carnell, Candidate for the Superior Revenue Establishment, was relieved of his duties on the Indus Valley State Railway on the afternoon of the 21st July 1880.

No. 16.—With reference to Notification No. 14, dated 17th July 1880, by the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, Mr. R. T. Denne, Assistant Engineer, 2nd Grade, reported his arrival at Mooltan on the afternoon of the 15th July 1880.

T. B. B. SAVI, *Captain, R.E.,*
Offg. Manager.

NIMACH-NASIRABAD STATE RAILWAY, Southern Section.

NOTIFICATION.

Nimach, the 29th July 1880.

No. 27.—CORRIGENDUM.—Instead of the word "5th" instant in this Office Notification No. 23, dated 8th July 1880, *read* "1st instant," as the date of assumption of charge of the Southern Section, Nimach-Nasirabad State Railway, by Mr. W. B. Carter, Executive Engineer, 1st Grade.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Lahore to Jhelum.

NOTIFICATIONS.

Lahore, the 30th July 1880.

No. 14.—With reference to Notification No. 13, dated 16th July 1880, of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, Mr. N. M. Carnell, Candidate for the Superior Revenue Establishment, reported his arrival on this Railway on the forenoon of the 23rd July 1880, and is posted to the Traffic Department.

No. 15.—With reference to Notification No. 14 of 16th July 1880, of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, transferring Mr. R. T. Denne, Assistant Engineer, 2nd Grade, attached to the Traffic Department of this line, to the Indus Valley State Railway, that officer was relieved of his duties on the afternoon of the 14th July 1880.

No. 16.—With reference to Notification No. 12, dated 16th July 1880, of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, transferring Mr. J. R. H. Allaway, Assistant Locomotive Superintendent of this Railway, to the Indus Valley State Railway, that officer was relieved of his duties on the afternoon of the 6th July 1880.

No. 17.—CORRIGENDUM.—In this Office Notifications Nos 9 and 12 of 6th and 9th July 1880, respectively, *for* "three months," *read* "two months and twenty-nine days."

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY, Pindi-Kohat Section.

NOTIFICATION.

Rawalpindi, the 2nd August 1880.

No. 7.—Referring to Government of India, Public Works Department, Notification No. 195, dated 17th June, Captain T. Gracey, R.E., Engineer-in-Chief, returned to duty on the forenoon of 20th July.

T. GRACEY, *Capt., R.E.,*
Engineer-in-Chief.

SINDIA STATE RAILWAY.

NOTIFICATIONS.

Dholpur, the 2nd August 1880.

No. 4.—With reference to this Office Notification No. 2, dated 21st April 1880, Mr. H. H. Gahan, Officiating Executive Engineer, Construction Division, on his return from privilege leave, assumed charge of the Division from Mr. H. D. LaTouche, on the forenoon of the 18th July 1880.

No. 5.—Mr. H. H. Gahan, Assistant Engineer, 1st Grade, is granted examination leave for two months from 1st August 1880. He has been relieved of his duties as Officiating Executive Engineer, Construction Division, on the same date by Mr. H. D. LaTouche, Engineer-in-Chief, Sindia State Railway, who will hold charge of the Division in addition to his own duties during the absence of Mr. Gahan on examination leave, or until further orders.

H. D. LATOUCHE,
Engineer-in-Chief, Sindia State Railway.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The University Examinations in Arts of 1880-81 will be held on the under-mentioned dates :—

Entrance Examination and First Examination in Arts on Monday, the 29th November, and following days.

B. A. Examination on Monday, the 3rd January, and following days.

Applications from candidates for admission to the Entrance and First Arts Examinations must be lodged with the Registrar before the 29th October.

Applications from candidates for admission to the B. A. Examination must be lodged with the Registrar before the 3rd December.

All candidates from the same Institution must appear at one and the same place of examination.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 19th July 1880.

The under-mentioned Students have passed the Examinations in Engineering :—

B. C. E.

SECOND DIVISION.

In Order of Merit.

Bandyopadhyay, Upendranath	Presdy. Col, C.E. Dept.
Sen, Bámácharan ...	Ditto.
Basu, Surendrakumar ...	Govt. Engrg. Col., Howrah.

L. C. E.

SECOND DIVISION.

In Order of Merit.

Datta, Abhayacharan ...	Presdy. Col., C.E. Dept.
Bandyopadhyay, Atulchandra	Ditto.
Ray, Atulchandra ...	Ditto.
Bandyopadhyay, Nagendranath	Ditto.
Chattopadhyay, Bhabadeb ...	Ditto.
Guha, Radharaman ...	Ditto.
De, Jnanendranath ...	Ditto.
Chattopadhyay, Asutosh ...	Ditto.
Mukhopadhyay, Bamacharan	Govt. Engrg. Col., Howrah.
Chattopadhyay, Gopalchandra	Presdy. Col., C.E. Dept.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 2nd August 1880.

GOVERNMENT SAVINGS BANK.

No. 1.

ANNUAL STATEMENT.

Abstract of Operations of the Government Savings Bank from 1st April 1879 to 31st March 1880.

	Rs. A. P.	Rs. A. P.
Balance due to Depositors in 1878-79	.....	25,55,995 7 7
Deposits in 1879-80	15,04,114 14 11	.....
Interest allowed to Depositors in 1879-80	90,642 10 7	15,94,757 9 6
TOTAL Rs.	.....	41,50,753 1 1
DEDUCT—		
Withdrawals in 1879-80	11,96,340 0 4	.....
Investment in Government Loans, 1879-80	40,558 13 2	12,36,898 13 6
Balance	.....	29,13,854 3 7
LIABILITIES.		
Balance due to Depositors in 1879-80	.....	29,13,854 3 7
ASSETS.		
Due by General Books	28,23,211 9 0	.....
Interest allowed to Depositors in 1879-80	90,642 10 7	29,13,854 3 7

R. HARDIE,
Secretary.

BANK OF BENGAL,
GOVT. SAVINGS BANK;
Calcutta, 29th July 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July 26	...	...	...	...	72,72,168	37,12,031
" 27	...	...	...	...	71,71,112	37,12,031
" 28	...	...	...	...	70,71,221	37,12,031
" 29	...	56,014	...	...	69,73,675	36,67,072
" 30	...	1,01,798	...	...	68,83,609	35,61,469
" 31	...	1,19,453	...	...	67,91,790	34,49,400

CALCUTTA MINT,
The 2nd Aug. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 5th August 1880 ... Rs. 1,24,36,500-2-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 6th August 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 3rd August 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,615	0	0
Public Deposits at Head Office (Rs. 1,72,57,703 1 2)	3,84,69,024	11	4
Public Deposits at Branches (Rs. 2,12,11,321 10 2)			
Other Deposits at Head Office and Branches	2,82,61,944	15	5
Bank Post Bills, &c.	5,51,891	9	9
Sundries	10,77,258	13	4
RUPEES	9,06,49,735	1	10

ASSETS.	Rs.	A.	P.
Government Securities	1,34,99,828	0	0
Loans on Government Securities, &c., at Head Office and Branches	62,29,508	13	9
Accounts of Credit on Government Securities, &c., at Head Office and Branches	70,76,107	0	7
Bills discounted and purchased at Head Office and Branches	1,93,27,246	0	0
Balances with other Banks	2,76,300	12	11
Bullion	55,805	1	10
Dead Stock	10,45,409	11	9
Stamps	8,853	9	0
Sundries	4,59,755	8	2
	4,79,78,814	10	0
Cash and Currency Notes at Head Office (Rs. 1,70,34,716 3 6)	4,26,70,920	7	10
Cash and Currency Notes at Branches (Rs. 2,56,36,204 4 4)			
RUPEES	9,06,49,735	1	10

By order of the Directors,

BANK OF BENGAL,
Calcutta, 5th August 1880

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern, that about the 15th May 1880 (exact date unknown), 11 pieces of silver valued at about Rs. 36-12 were found in the field of one Gopalrao Luxman Deshmukh of Erandol, in the Khandesh Collectorate of the Bombay Presidency.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the undersigned on the 6th December 1880, at his camp, when he will proceed to hold an enquiry in accordance with the provisions of the said Act.

———,
Acting Collector of Khandesh.

Report of a Deserter from the 2-6th Regiment of Foot, dated at Cawnpore, this 3rd day of August 1880.

Number, Rank, and Name,—No. 2426, Private John Peckham.
Age,—21 years 5 months.
Size,—5 feet 4 inches.
Color of—
Complexion, fresh; hair, brown; eyes, grey.
Date of Desertion,—31st July 1880.
Place of Desertion,—Cawnpore (when on pass to Naini Tal.)
Date of Enlistment,—7th May 1873.
At what Place Enlisted,—London.
Parish and County in which Born,—Newington, London, Surrey.
Marks,—None.
Trade,—Musician (Clarionet.)
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— ... } Regimentals.
REMARKS,—Walks slightly bow-legged. Deserted while on pass to Naini Tal. Under 8 years' service.

H. B. FEILDEN, *Lieut.-Col.,*
Comdg. 2-6th Regt.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
134	... D 17—13665 ...	50	Sookhlall Singh Ojha, Basti.
135	... D 12—01614 ...	5	Baboo Hem Chunder Chatterjee, Agra.
136	... D 17—02405 ...	50	Dr. C. H. Day, Mogul Serai.
	" —11039 ...	50	

ALLAHABAD,
The 4th August 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880.			
W47	M 36—25461 ...	100	Merwanji Dossabhoy Jassawalla, Sealkote.
W48	M 46—02363 ...	50	Pestonji Framji, Surat.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880.			
H121	... M 8—11752 ...	5	Heerjeebhoy Muncherjee, Cawnpore.
H122	... M 50—41349 ...	10	Lieutenant E. C. Kelley, Sibi.
M43	... M 34—52811	20	Shapoorji Framji, Bombay.
	" —52809		
M44	... M 34—69210	20	Nagapah Ramswamee, Belgaum.
	" —69211		

BOMBAY,
The 3rd August 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
153	... O 70—78694 ...	500	Ram Dhari Sahai.
154	... O 31—71640 ...	50	Babu Radhamadhub Burral.
	" —71641 ...	50	
	" —71642 ...	50	
155	... O 73—74211 ...	1,000	Mr. E. B. Goodall.
156	... O 80—85632 ...	10	Babu Nilrutton Mukerjee.
	O 81—59894 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
163	... O 68—50315 ...	100	Babu Anund Chundra Chakravarti.
	" —52696 ...	100	
164	... L 31—59274 ...	5	Babu Rai Churn Das.
165	... O 52—23875 ...	10	Mr. C. Faulder.
166	... O 50—64477 ...	10	Babu Denonath Das.
167	... L 33—94992 ...	10	Babu Chundermohan Paul.
168	... O 53—21829 ...	10	Babu Chunderkishore Sen.
	L 56—83506 ...	5	
169	... O 72—06048 ...	1,000	Babu Protulchunder Chatterjee,
170	... L 88—91237 ...	10	Babu Ganeshi Lal.
	L 75—70350 ...	10	
171	... O 55—32959 ...	20	Babu Nobin Krishna Bosu.
	O 56—14023 ...	20	
	O 52—47673 ...	10	
	L 54—08566 ...	5	
172	... O 79—21925 ...	10	Babu Jogendranath Ghose.
	O 36—64584 ...	5	
173	... O 77—08161 ...	10	Rohim Bux.
174	... O 43—97491 ...	10	Mungoli Gazi.
175	... L 56—84531 ...	5	Babu Jugbundun Lal.
100	... L 75—56293 ...	10	Babu Modhusooden Dey.
	L 87—46376 ...		
101	... L 39—28987 ...	10	Babu Purnachandra Banerjee.
	L 35—42651 ...		
	L 62—10392 ...	10	
	" —10389 ...		
102	... O 67—11126 ...	100	Babu Kailaschandra Biswas.
	" —11127 ...		

CALCUTTA,
The 6th August 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
62	... E 16—11056 ...	10	The Agent, *Indian Jurist* Office, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
84	... E 15—52639 ...	50	Lieutenant J. L. Bradshaw, 24th P. N. Infy., Cabul.
107	... E 8—36071 ...	5	Kally Kishen Banerji, Simla.
101	... E 13—72124 ...	100	Messrs. Petter & Co., Merchants, Naini Tal.

LAHORE,
The 30th July 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
34	... B 62—93269 ...	100	Peddi Reddi Krishna Reddi, Ganga Reddi Street, Egmore, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
42	... B 62—59264 ...	100	Odivapa Chanabasapa, Dharwar.
73	... B 56—73160 ...	10	T. Ram Rao, Deputy Collector, Madura.
	B 57—35382 ...	20	
74	... B 61—36456 ...	50	T. Appadarai Mudali, Clerk, Pay Examiner's Office, Fort St. George.
75	... B 47—17178 ...	5	K. A. Ponnuswami, Clerk, District Munsif's Court, Tiruvadi, Tanjore District.
76	... B 60—26837 ...	10	Messrs. J. A. Smith & Co., Popham's Broadway, Madras, for Mr. E. R. Vanderputt, Store-keeper, Madras Railway Co., Podanur.
	" —63420 ...	10	
14	... B 60—63185 *	10	Revd. B. Rice, Secretary, Tract and Book Depôt, Bangalore.
	" —63186 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 26th July 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880-81.			
M2	... F 8—59541	20	Gunnoo Missur Dullal, of Burhanpur.
	" —59542		

NAGPUR,
The 29th July 1880.

W. D. COWIE,
Asstt. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 26th July 1880.

The remitter of an Inland Money Order may attach to the form of application a post-card which will be delivered to the payee with the Money Order. The remitter should write on the appropriate side of the post-card the name and address of the payee, and on the reverse he may write any instructions or communication he desires to be conveyed to the payee.

E. R. DOUGLAS,
Offg. Depy. Dir. Genl. of the Post Office of India.

Calcutta, the 6th August 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	7th Aug.	From Bombay.
Madras, Ceylon, and the Intermediate Ports	6-30 "	9th "	Str. *Ethiopia.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies .	6-30 "	10th "	From Bombay.
Foreign Mails *viâ* Bombay . .	6-30 "	11th "	From Bombay.
Do. Book post and pattern packets	6-30 "	10th "	From Bombay.
Rangoon, Moulmein and Straits .	6-30 "	12th "	Str. *Pemba.**
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6-30 "	13th "	Str. *Madras.*
Straits and Hong-Kong . .	6-30 "	13th "	Strs. *A. Apcar* and *Suez.*
Persian Gulf	6-30 "	14th "	From Bombay.

* Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 6th August 1880.

Abraham, Miss R. S.	Cornelius, C.	Lawdy, Lilly.
Ackland, W. H.	Cosgrove, G. H.	Legget, J.
Adams, Mrs. E. S.	Coyne, E. H.	Lima, T. C.
Addy, P. N.	Crawford, Major C.	Lyell, Mrs. J. E.
Alexander, A.	Croft. Dr. W.	Mayne, J. H.
Alexander, G.	Crook, H. J. J.	McLean, L. W.
Allans, J. A.	Corbitt, W. L.	McDonel, Dr. J. C.
Allen, R. C.	Cullen, A.	McLeod, —.
Allen, Thomas.	Cummings, Miss.	Mircado, Mrs.
Anderson, J.	Dacosta, W.	Morrison, C. S.
Andrews, S. J.	Dahl, C.	O'Lever, A. S.
Angelo, H.	Daniel, J. H. D.	Palmer, R.
Aspa, H.	Daniell, G.	Pearson, H.
Bailly, Harris.	Davis, E. H. S.	Perkins, Master W.
Barlow, C.	Davies, W. R.	Peters, Miss M.
Bernett, William J.	Day, E. M.	Powell, J. F.
Blair, Thos.	D'Cruz, H.	Ransome, Jas.
Bradwell, Joseph.	D'Cruz, J. M.	Ricker, Charles J.
Brown, Robert.	Dundas, P. A. C.	Roberts, C. F.
Buckler, Mrs.	Findley, Capt. J.	Snelling, T. R.
Burgess, Miss A.	Gordon, Mrs.	Stewart, E.
Caley, W. H.	Heart, Mrs.	Thompson, H. D.
Caracghead, J.	Holt, Mrs. J.	Thompson, W.
Carrigan, S. A. L.	James, W.	T. F.
Case, S. F.	Jones, T.	Tucker, W. F.
Cayde, Mrs.	Joseph, Mary Magdalen.	Walkins, Mrs.
Christianna, Miss D.	Ketter Mohun Chatterjee.	Weston, H. J.
Codd, Mrs. M. T.		Wills, Mr.
Cooper, W. J. M.	Koch, Mrs. Emmie.	Windle, Mrs.
Corcoran, J.	Large, Frank J.	

Letters marked "Care of Post Office, to be kept till called for."

Anderson, C.	Jacob, S.	Secunder.
Anson, Capt.	Jackson, W.	Seth, A.
B. F.	Johnston, J. D.	Schemidt, C.
Blockton, J. W.	Kaiser, August.	Sher Shah, Moonshe.
Borillon, Mons. J.	Kark, Mrs. E.	Silvestri, Signore E.
Brown, Miss Mary.	Kelly, F. J.	Smith, Douglas.
Braham, Mrs. Annie.	Littlewood, Alf.	Smith, W.
Byford, H.	Mann, Alex.	Snow, A. Wilson.
"Carlos."	Matheson, Alex'	Sterling, William.
C. G. C.	Mecklen, Geo.	Stevens, C.
Coombs, J. W.	McWilliams, J.	Stuart, F.
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The Official Quarterly Army List of H. M.'s Forces in Bengal, to which is appended the Civil Service Gradation List. *Price, Rs. 4; packing and postage, 6 annas.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 14, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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E. J. DEAN,
Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 13th August 1880.

The Honorable the Chief Justice of the High Court in Bengal has appointed Edward Harry Adcock of Palmerston Buildings, Old Broad Street, London, Solicitor, a Commissioner, within all parts of England, for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS,
Registrar.

NOTICE TO MARINERS.

No. 9 of 1880.

RED SEA—GULF OF SUEZ.

Suez Bay—Lights at Port Ibraham.

Information has been received that the undermentioned lights are now exhibited at port Ibraham, Suez bay:—

1. Two floating lights are placed 897 yards seaward of the entrance of the harbour—*green* on the northern side of the channel, *red* on the southern side.

2. A fixed *green* light is shown from the extremity of the north mole head; a fixed *red* light from the extremity of the south mole head.

3. A fixed *white* light is shown from the extreme (western) end of the inner pier of the harbour.

NOTE.—The foregoing green and red lights mark the channel into the port.

Entering port Ibraham—the green lights are left on the port hand, the red lights on the starboard hand, the vessel being steered for the white light on the inner pier.

4. Also, that it is intended, when the state of the sea prevents the exhibition of the floating lights, to show two lights, *green* and *red* placed vertically, from the eastern commencement of the inner pier. These lights kept in line with the white light at the extreme (or western) end of the pier will then indicate the channel.

Buoyage.

Also, that a buoy has been placed on each side of the channel to port Ibraham, 568 yards from the mole heads—the northern buoy in a

line with the green lights, the southern buoy in a line with the red lights.

By Direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 7th August 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2523, 8*a*, 757, 233 and 734; Sailing Directions, Red Sea Pilot, 1873, pages 23 and 36; and Light Lists for 1880.

INDIAN MARINE SURVEY Light List for 1880; also Taylor's Sailing Directory, Vol. I, page 27.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 9th August 1880.

No. 186.—The following promotions are made, with effect from the 6th July, in the room of Mr. J. Low, Surveyor, 2nd Grade, who retired on the 5th idem, and in continuation of the promotions consequent on the death of Mr. Beverley which were published in Notification No. 184, dated 19th July 1880:—

Mr. P. Ford, Assistant Surveyor, 1st Grade, to be Surveyor, 4th Grade.

Mr. P. J. W. Doran, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. C. T. Templeton, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

Mr. P. A. Peters, Assistant Surveyor, 4th Grade, to be Assistant Surveyor, 3rd Grade.

The 10th August 1880.

No. 187.—Mr. C. T. Templeton, Assistant Surveyor, 2nd Grade, is granted privilege leave for two months, with effect from the forenoon of the 16th instant.

No. 188.—The privilege leave which was granted to Mr. H. E. T. Keelan, Surveyor, 2nd Grade, in this Office Notification No. 179, dated the 12th July last, is hereby cancelled.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 13th August 1880.

No. 7.—Mr. James Todd, Surveyor, 3rd Grade, attached to No. 3 Party, Revenue Branch, Survey of India, is granted privilege leave under Section 13, Supplement F, of the Civil Leave Code, for one month, from 29th July 1880.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th August 1880.

Offices opened and closed during the month of July 1880:—

Name of Station.	Where situated.	Date.	REMARKS.
Abdul Rahman	Afghanistan	29th	Closed.
Bhagalpur	Bengal Presdy.	27th	Ditto.
Kirkee	Bombay Presdy.	29th	Opened.
Kurseong	Bengal Presdy.	15th	Closed.
Limbdi	Bombay Presdy.	25th	Ditto.
Tank	Sind	15th	Opened.

Calcutta, the 11th August 1880.

No. 16.—Mr. C. S. James, an Assistant Superintendent of the 4th Grade, is allowed furlough on medical certificate for two months and fourteen days, under Section 23 of the Civil Leave Code, with effect from the forenoon of the 4th June 1880.

This cancels the privilege leave for one month granted to him in Notification No. 11, dated 29th June 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 31st July 1880.

No. 7.—With reference to the Public Works Department Notification No. 188, dated 12th June 1880, of the Government of India, Lieutenant W. H. Chippindall, R.E., Executive Engineer, 4th Grade (temporary), made over, and Major M. J. Macartney, R.E., Executive Engineer, 2nd Grade, received, charge of the Office of the Executive Engineer, Pishen Division, on the afternoon of the 22nd July 1880.

No. 8.—With reference to the Public Works Department Notification No. 212, dated 29th June 1880, Lieutenant W. H. Chippindall, R.E., Executive Engineer, 4th Grade (temporary rank), in the Biluchistan Division, held charge temporarily of the Office of the Executive Engineer of the Pishen Division, in addition to his own, from 6th to 22nd July 1880.

No. 9.—With reference to the Public Works Department Notification No. 188, dated 12th June 1880, of the Government of India, Lieutenant W. H. Chippindall, R.E., Executive Engineer, 4th Grade (temporary rank), made over, and Major E. D'O. Twemlow, R.E., Executive Engineer, 2nd Grade, received, charge of the Biluchistan Division on the afternoon of the 20th July 1880.

T. F. DOWDEN, *Major, R.E.,*
Offg. Secy. to Agent to Govr. Genl., for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 3rd August 1880.

No. 14.—Major G. R. Gibbs, Executive Engineer, 2nd Grade, having returned from furlough to Europe on 20th ultimo, has been attached temporarily to the Chief Engineer's Office, which he joined on the forenoon of 29th ultimo.

No. 15.—Consequent on the return of Major Gibbs, Mr. R. E. Nelson, Temporary 4th Grade Executive Engineer, reverts to his substantive rank of Assistant Engineer, 1st Grade, from the afternoon of 19th ultimo.

By Order,
L. RUSSELL, *Colonel, R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 7th August 1880.

No. 19.—ERRATUM.—In this Office Notification No. 16 of 7th July 1880, notifying departure of Major Wingate from Morar on the "7th May 1880," *read* "7th June 1880."

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Presidency & Oudh Command.

Lucknow, the 6th August 1880.

No. 11.—With reference to Inspector General Military Works' Notification No. 33 of 27th ultimo, Mr. J. D. Davies, C.E., Assistant Engineer, 1st Grade, took over charge of the Barrackpore Division, Military Works, on the afternoon of the 4th instant, from Mr. W. H. King, C.E., Executive Engineer, who availed himself of the two months and twenty-nine days' privilege leave, granted in this Office Notification No. 8 of 20th July 1880, on the afternoon of the same day.

W. R. TUCKER, *Lieut.-Col., R.E.,*
Supdg. Engr., Presidency & Oudh Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 4th August 1880.

No. 1702.—With reference to Rawalpindi Command, Military Works, Notification No. 1501, dated 12th July 1880, posting Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, to the Rawalpindi Division, this officer joined his appointment at Rawalpindi on the forenoon of the 31st July 1880.

H. McV. CRICHTON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 9th August 1880.

No. 106.—The under-mentioned Officer is granted leave on medical certificate from 22nd June 1880 to 4th July 1880, under Chapter IV, Section 21, of the Civil Leave Code:—

Mr. H. J. Oddie, Assistant Engineer, 2nd Grade.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 3rd August 1880.

No. 17.—Mr. I. S. Hubbard, Deputy Examiner of Accounts, Indus Valley State Railway, reported his return from the privilege leave granted to him in Public Works Department Notification No. 99, dated 18th March 1880, on the forenoon of the 31st July 1880.

T. B. B. SAVI, *Captain, R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY, Lahore to Jhelum.

NOTIFICATION.

Lahore, the 5th August 1880.

No. 18.—With reference to Notification No. 15, dated 24th July 1880, of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, Mr. L. E. H. Yates, Assistant Locomotive Superintendent, Class III, reported his arrival on this Railway, on the forenoon of the 27th June 1880.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY, Rathial-Pindi Section.

NOTIFICATION.

Rawalpindi, the 3rd August 1880.

No. 11.—Referring to Director General of Railways' Notification No. 102, dated 19th July

1880, Mr. T. N. Haigh, Assistant Locomotive Superintendent, Class III (probationer), joined this section on the 10th idem.

F. L. DIBBLEE,

Offg. Engineer-in-Chief.

WESTERN RAJPUTANA STATE RAILWAY,

Northern Section.

NOTIFICATION.

Nasirabad, the 9th August 1880.

No. 4.—Mr. R. L. Campbell, Assistant Engineer, 2nd Grade, availed himself of the privilege leave, granted him in this Office Notification No. 2, dated 26th June 1880, on the afternoon of the 3rd August 1880.

A. C. CREGEEN,

Engineer-in-Chief.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The University Examinations in Arts of 1880-81 will be held on the under-mentioned dates :—

Entrance Examination and First Examination in Arts on Monday, the 29th November, and following days.

B. A. Examination on Monday, the 3rd January, and following days.

Applications from candidates for admission to the Entrance and First Arts Examinations must be lodged with the Registrar before the 29th October.

Applications from candidates for admission to the B. A. Examination must be lodged with the Registrar before the 3rd December.

All candidates from the same Institution must appear at one and the same place of examination.

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE,
The 19th July 1880.

The under-mentioned Students have passed the Examinations in Engineering :—

B. C. E.

SECOND DIVISION.

In Order of Merit.

Bandyopadhyay, Upendranath	Presdy. Col., C.E. Dept.
Sen, Bámácharan ...	Ditto.
Basu, Surendrakumar ...	Govt. Engrg. Col., Howrah.

L. C. E.

SECOND DIVISION.

In Order of Merit.

Datta, Abhayacharan ...	Presdy. Col., C.E. Dept.
Bandyopadhyay, Atulchandra	Ditto.
Ray, Abinaschandra ...	Ditto.
Bandyopadhyay, Nagendranath	Ditto.
Chattopadhyay, Bhabadeb ...	Ditto.
Guha, Radharaman ...	Ditto.
De, Jnanendranath ...	Ditto.
Chattopadhyay, Asutosh ...	Ditto.
Mukhopadhyay, Bamacharan	Govt. Engrg. Col., Howrah.
Chattopadhyay, Gopalchandra	Presdy. Col., C.E. Dept.

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE,
The 2nd August 1880.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 9th day of August 1880.

Number, Rank, and Name,—No. 60Bde.—1082, Private Alfred West.
Age,—23 years 6 months.
Size,—5 feet 5 inches.
Color of—
Complexion, fair; hair, brown; eyes, blue.
Date of Desertion,—4th August 1880.
Place of Desertion,—Fort William, Calcutta.
Date of Enlistment,—13th February 1877.
At what Place Enlisted,—London, England.

Parish and County in which Born,—Bermondsey, London, Surrey.
Marks,—Cross on right wrist, little toes overlap.
Trade,—Labourer.
Coat or Jacket,— } Regimental.
Waistcoat,— ... } Regimental.
Breeches or Trowsers,— ... } Regimental.
REMARKS,—Took part of regimental necessaries. Off pass to Calcutta from 3rd to 2 A.M. 4th August 1880.
Under 4 years' service.

R. M. ROGERS, *Col. & Lieut.-Col.,*
Comdg. 90th Light Infy.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Aug. 2	...	76,675	...	...	65,98,386	33,77,536
" 3	...	1,17,701	...	...	65,08,394	32,67,220
" 4	31,542	1,00,782	...	31,542	63,16,880	31,72,596
" 5	...	1,01,988	...	31,542	62,25,519	30,76,911
" 6	...	1,11,665	...	31,542	62,34,967	29,72,148
" 7	...	1,07,193	...	31,542	61,43,707	28,71,681

CALCUTTA MINT,
The 9th Aug. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 12th August 1880 ... Rs. 1,75,06,610-2-10.

J. WESTLAND,

Treasurer to the Govt. of India.

CALCUTTA,
The 13th August 1880.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 31st July 1880.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam ...	May 1880	July 15, 1880
2	Quetta Agency ...	Ditto ...	Do. 16, „
3	Military Works Branch ...	Ditto ...	Do. 21, „
4	Hyderabad (Imperial) ... Port Blair ... Hyderabad Assigned Districts.	Ditto ...	Do. 23, „
7	Central Provinces ...	Ditto ...	Do. 26, „
8	Bengal ... Punjab ... Coorg ... Central India ... Rajputana ...	Ditto ..	Do. 27, „
13	Mysore ...	Ditto ...	Do. 28, „
14	Indian Telegraph ...	Ditto ...	Do. 30, „
15	North-Western Provinces and Oudh.	April 1880	June 24, „
16	British Burmah ...	Ditto ...	July 5, „
17	Madras ...	Ditto ...	Do. 8, „
18	Bombay ... Indo-European Telegraph	Ditto ...	Do. 13, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bengal ... North-Western Provinces and Oudh. Punjab	May 1880	July 22, 1880
4	British Burmah ...	Ditto ..	Do. 26, „
5	Rajputana ...	Ditto ...	Do. 27, „
6	Madras ...	April 1880	Do. 8, „
7	Bombay ...	Ditto ...	Do. 13, „

GUARANTEED RAILWAYS.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bengal ...	May 1880	July 23, 1880
2	Punjab ...	Ditto ...	Do. 26, „
3	North-Western Provinces and Oudh.	April 1880	June 25, „
4	Madras ...	Ditto ...	July 8, „
5	Bombay ...	Ditto ...	Do. 12, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	May 1880	July 19, 1880
2	Indus Valley ... Muttra-Hathras ... Cawnpore-Farakhabad ... Ghazipur-Dildarnagar ... Achnera-Muttra ... Bareilly-Pillibhit ...	Ditto ...	Do. 21, „
8	Calcutta & South-Eastern ... Holkar ... Indore-Nasirabad ... Wardah Coal ... Nagpur-Chhattisgarh ... Dhond and Manmad ... Amritsar and Pathankote ... Ujein and Bhopal ... Lala Moosa to Chak Nizam ... Umballa and Kalka ...	Ditto ...	Do. 26, „
18	Northern Bengal ... Punjab Northern ...	Ditto ...	Do. 27, „
20	Nulhati ... Tirhoot ... Mysore ...	Ditto ...	Do. 28, „
23	Bombay, Eastern Deccan ...	Ditto ...	Do. 30, „
24	Patna and Gya ...	April 1880	June 28, „
25	Rajputana ... Kathiawar ...	Ditto ...	July 6, „
27	Bellary and Karwar ...	Ditto ...	Do. 12, „
28	Sindia ... Kandahar ...	Ditto ...	Do. 13, „
30	State Railway Stores Branch.	Ditto ...	Do. 23, „
31	Central Bengal ...	March 1880	May 22, „
32	Western Rajputana (Northern Section).	Ditto ...	Do. 25, „
33	Western Rajputana (Southern Section).	Ditto ...	July 12, „
34	East Indian ...	Ditto ...	Do. 19, „

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	May 1880	July 19, 1880
2	Muttra-Hathras ...	Ditto ...	Do. 21, „
3	Calcutta & South-Eastern ... Northern Bengal ... Holkar & Sindia-Nimach ... Wardah Coal ... Nagpur-Chhattisgarh ... Punjab Northern ... Indus Valley ... Dhond & Manmad ...	Ditto ...	Do. 26, „
11	Nalhati ... Tirhoot ... Patna and Gya ...	Ditto ...	Do. 28, „
14	Sindia ... Western Rajputana ...	April 1880	Do. 6, „
16	East Indian ...	March 1880	Do. 19, „

SIMLA,
The 5th August 1880.

G. J. MELLISS, *Colonel,*
Offg. Depy. Accountant General, P. W. Dept.

Statement of the Affairs of the Bank of Bengal for the week ending 10th August 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,615	0	0
Public Deposits at Head Office (Rs. 1,51,64,743 13 4)	3,65,95,828	4	11
Public Deposits at Branches (Rs. 2,14,31,084 7 7)			
Other Deposits at Head Office and Branches	2,59,00,358	8	7
Bank Post Bills, &c.	5,01,883	11	6
Sundries	10,77,843	13	3
RUPEES	8,63,65,529	6	3

ASSETS.	Rs.	A.	P.
Government Securities	1,38,02,512	0	0
Loans on Government Securities, &c., at Head Office and Branches	62,83,764	12	7
Accounts of Credit on Government Securities, &c., at Head Office and Branches	54,42,569	11	5
Bills discounted and purchased at Head Office and Branches	1,83,58,339	7	7
Balances with other Banks	3,29,000	0	5
Bullion	56,093	11	4
Dead Stock	10,46,183	13	10
Stamps	8,484	7	0
Sundries	4,44,267	4	6
	4,57,71,245	4	8
Cash and Currency Notes at Head Office (Rs. 1,51,89,195 13 7)	4,05,94,281	1	7
Cash and Currency Notes at Branches (Rs. 2,54,05,088 4 0)			
RUPEES	8,63,65,529	6	3

By order of the Directors.

BANK OF BENGAL,
Calcutta, 12th August 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE.
Secy. & Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No. 1880.	No. of Notes.	Value. Rs.	Name of Claimant.
W49	M 46—41205 ... „ —41207 ... „ —41208 ... „ —41297 ...	50	Dadabhoy Dorabji Fitter, Bhosawal.
	M 53—27712 ... „ —27938 ...	20	
	M 51—50422 ... „ —50423 ... „ —50424 ... „ —61858 ... „ —61908 ... „ —61979 ... „ —62893 ...	10	
	M 8—81595 ...	5	

NOTES PARTIALLY LOST OR DESTROYED.

1880	No. of Notes.	Rs.	Name of Claimant.
H124	M 37—58641 ...	100	Sadasive Pandurang Kelkar, Degaum.
H125	M 49—19628 ...	10	D. P. de Mello, Ahmedabad.
H126	M 36—26063 ... „ —26773 ...	100 100	Fazul Somji, Bombay.
M45	M 34—36840 „ —36837	20	Finlay, Muir & Co., Bombay.
M46	M 33—37126 „ —37129	20	Framji Edulji Davar, Bombay.
M47	M 34—09776 „ —55712	20	Khando Sadasive Jalwalkar, Belgaum.
M48	M 45—90498 „ —90499	10	O. Gyri, Bombay.

BOMBAY,
The 10th August 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
158	O 61—22922 to „ —22940	20 each.	Babu Ashootosh Bhuttacharjee.
	O 37—98612 ... „ —98613 ...	5 5	
159	O 70—44005 ...	500	The District Superintendent of Police, Furridpur.
160	O 70—49673 ...	500	Babu Mathura Nath Maulik.
161	O 67—08350 ...	100	Lieut.-Colonel H. Strong.
	O 34—21585 ...	100	
	„ —19166 ...	100	
	„ —62740 ...	100	
	L 71—42189 ...	10	
	„ —42192 ...	10	
	„ —42193 ...	10	
	„ —42194 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Rs.	Name of Claimant.
176	O 17—61708 ...	10	Hurnam Singh.
	„ —61710 ...	10	
	„ —61711 ...	10	
177	L 56—44482 ...	5	Babu Hurry Chunn Bhuttacharjee.
178	L 35—68841 ...	10	Babu Hurro Lal Das.
179	L 92—55823 ...	50	Biroo Nyak.
180	O 30—76618 ...	50	Babu Radha Gobind Mozoomdar.
181	O 40—25688 ...	10	Mrs. J. T. Babonau.
182	O 68—38609 ...	100	Messrs. Jardine, Skinner & Co.
183	O 36—72563 ...	5	Mrs. E. Pierson.
184	O 36—57774 ...	5	Choomi Lal Monoolal.
185	L 54—82002 ...	5	Durga Pershad.
186	O 31—22598 ...	50	Lieutenant-Colonel P. C. Dalmahoy.
187	O 20—91333 ...	20	Chuttoo Lal.
	O 4—75646 ...	20	
	O 2—66546 ...	20	
	O 9—17223 ...	10	
188	O 66—46129 ... „ —64763 ..	100 100	Babu Raj Mohan Dey
189	O 68—45117 ...	100	Babu Sitanath Shaha.
190	O 67—83770 ...	100	Mrs. G. E. Jones.
	O 68—77455 ...	20	
	O 59—87539 ...	20	
191	O 49—00119 ...	10	Babu Sarut Chunder Roy.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED—*continued.*

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
103	O 54—13718 „ —13717	10	Baldevdass Seetaram.
104	L 76—92099 „ —25963	10	Moti Ram Jha.
105	O 12—53494 L 98—19486	10	Messrs. Thacker, Spink and Co.
106	L 48—85214 „ —85215	20	Jewah Mamojee.
	L 46—84335 „ —84307	20	
107	O 13—86307 O 8—64447	10	Brother D. Swords, S. J.
108	O 13—97787 O 17—63632	10	Juggornath Mahatu.
	L 17—50565 —50566	5	
109	O 48—84202 —84230	10	Babu Raj Kumar Sen.

CALCUTTA,
The 13th August 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
G 8—54748 „ —61300	* 200	Veerjee Runchore, Goomashta, Kurrachee.

* Mismatched.

KURRACHEE,
The 3rd August 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
63	E 15—63404 ...	50	H. S. Hanna, Esq., Lahore.
64	„ —61191 ...	50	Lala Sagur Chand, B.A., Lahore.
65	E 16—70819 ...	10	Lieutenant F. J. Whalley, 2-8th (The King's) Regiment, Pewar Kotal, Afghanistan.
	„ —62913 ...	10	
	„ —68488 ...	10	
	„ —52822 ...	10	
	„ —68031 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
110	E 13—80166 ...	100	Ram Das, Pind Dadan Khan.
	„ —80168 ...	100	
	E 2—30390 ...	500	

LAHORE,
The 7th August 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
36	B 62—65328 ...	100	G. Rangayya, Munshi, D. P. W., Sringari, Koppa Range, Kadur District.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
77	B 57—38800 ...	20	Ajanpur Nagia, Cloth Merchant, Shimoga.
78	B 62—89813 ...	100	Balakrishna Mudali, Mint Street, Madras.
79	B 62—38494 ...	100	Harie Rao, care of Purushothamsa, 33, Santhosha Street, Periamet, Madras.
80	B 62—15492 ...	100	Mir Assan Sahib, Jagadeva Polieni, Krishnagiri, at present at 136, Market Street, Madras.
	„ —65755 ...	100	
	„ —97599 ...	100	
81	B 66—00114 ... „ —06169 ...	100 100	P. V. A. R. Bommu Chetti, 28 & 29, Coral Merchant Street, Madras.

FORT SAINT GEORGE,
The 2nd August 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Simla, the 26th July 1880.

The remitter of an Inland Money Order may attach to the form of application a post-card which will be delivered to the payee with the Money Order. The remitter should write on the appropriate side of the post-card the name and address of the payee, and on the reverse he may write any instructions or communication he desires to be conveyed to the payee.

E. R. DOUGLAS,
Offg. Depy. Dir. Genl. of the Post Office of India.

The 7th August 1880.

No. 5362.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, OUDH.

Mr. J. W. Barwise has been appointed to be Deputy Post Master General, Oudh.

Mr. C. H. Antram has been appointed to be Post Master, Lucknow.

POSTAL CIRCLE, MADRAS.

Mr. R. McKillop has been appointed to act as Supernumerary Inspector of Post Offices, Madras.

Mr. S. Christian has been appointed to act as Superintendent, Dead Letter Office, Madras.

Mr. V. Kanakasabhai Pillay, B.A., B.L., has been appointed to be Inspector of Post Offices, Mount Division.

Mr. C. Morgan has been appointed to be Inspector of Post Offices, Bellary Division.

Mr. J. G. Combes has been appointed to be Inspector of Post Offices, Bangalore Division.

Mr. T. C. D'Rozario has been appointed to act in the 1st Grade of Inspectors and posted to the Trichinopoly Division.

POSTAL CIRCLE, RAJPUTANA.

Mr. E. Hutton has been appointed to act as Chief Inspector of Post Offices, Rajputana.

Lalla Shambhu Nath has been appointed to be Inspector of Post Offices, Ajmere Division.

Mr. J. Roderick has been appointed to be Post Master, Ajmere Post Office, *sub pro tem.*

POSTAL CIRCLE, PUNJAB.

Mr. S. Sullen has been appointed to be Inspector of Post Offices, Rawalpindi Division.

Mr. N. Faichnie has been appointed to be Superintendent of Mails, Simla Division.

Mr. J. B. Short has been appointed to act as Inspector of Post Offices, Quetta Division.

Mr. C. H. Wood has been appointed to be Inspector of Post Offices, Sind Division.

Mr. C. J. Carty has been appointed to be Inspector of Post Offices, Lahore Division.

Mr. W. T. Vansomeren has been appointed to be Supernumerary Inspector of Post Offices, Punjab.

Mr. J. Waller has been appointed to be Post Master, Karachi.

Mr. W. Hawthorne has been appointed to be Inspector of Post Offices, Amritsar Division.

Mr. J. L. Fendall has been appointed to be Inspector of Post Offices, Ludhiana Division.

Mr. W. Hine has been appointed to act as Post Master, Delhi.

Mr. H. M. Mehta has been appointed to act as Post Master, Peshawar.

Mr. H. L. Swinburn has been appointed to act as Inspector of Post Offices, Derajat Division.

Mr. R. Keelan has been appointed to act as Assistant Inspector of Post Offices, Rawalpindi Division.

Mr. Foy has been appointed to be Assistant Superintendent, Rawalpindi Division.

Mr. T. McDermott has been appointed to act as Post Master, Rawalpindi.

Lala Moolraj has been appointed to act as Superintendent, Dead Letter Office, Lahore.

Mr. J. W. Gill has been appointed to act as Post Master, Amritsar.

Mr. C. J. Dease has been appointed to act as Inspector of Post Offices, Mooltan Division.

Mr. Furrell has been appointed to be Assistant Inspector, Kuram Division.

POSTAL CIRCLE, BOMBAY.

Mr. H. P. Todd has been appointed *sub pro tem.* as a Marine Officer, *vice* Mr. R. Oliver.

Mr. Moreshwar Raghoba has been appointed to act in the 3rd Grade of Inspectors and posted to the Ahmedabad Division.

Mr. H. J. Hewett has been appointed *sub pro tem.* as a Marine Officer, *vice* Mr. Todd.

POSTAL CIRCLE, CENTRAL PROVINCES.

Mr. A. G. Faichnie has been appointed to be Chief Inspector of Post Offices, Central Provinces.

Mr. J. McLoughlin has been appointed to be Inspector of Post Offices, Jubbulpore Division.

Mr. F. Whymper has been appointed to act as Inspector of Post Offices, Nagpur Division.

Mr. C. H. Lane has been appointed to be Inspector of Post Offices, Hoshangabad Division.

Mr. J. A. Betham has been appointed to act as Inspector of Post Offices, Berar Division.

Mr. R. S. Burns has been appointed to act as Inspector of Post Offices, Wardah Division.

POSTAL CIRCLE, TRAVELLING POST OFFICE.

Mr. W. Ammon has been appointed to act as Superintendent, 1st Grade.

Mr. W. E. Douglas has been appointed to act as Superintendent, 2nd Grade.

Mr. Alfred F. Ryan has been appointed to act as Superintendent, 3rd Grade.

Mr. R. J. Leslie has been appointed to act as Superintendent, 4th Grade.

Babu Haradhan Haldar has been appointed *sub pro tem.* to be Superintendent, 3rd Grade.

Mr. A. B. Wilson has been appointed to be a 4th Grade Superintendent.

Mr. F. T. Hall has been appointed to be a 3rd Grade Superintendent.

Mr. B. Thurmsah Garu has been appointed to act as Superintendent, 4th Grade.

G. J. HYNES,
Offg. Asst. Dir. Genl.
of the Post Office of India.

Calcutta, the 13th August 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	21st Aug.	From Bombay.
Madras, Ceylon, and the Intermediate Ports	6-30 „	16th „	Str. *Khandalla.*
Madras and Ceylon	6-30 „	16th „	P. & O. Str. *Australia.*
Persian Gulf	6-30 „	14th „	From Bombay.
Foreign Mails *viâ* Bombay	6-30 „	18th „	From Bombay.*
Do. Book post and pattern packets	6-30 „	17th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	19th „	Str. *Rajpootana.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6-30 „	20th „	Str. *Commilla.*
Madras, Ceylon, Batavia, Singapore and China	6-30 „	20th „	F. Str. *Meinam.*
Straits and Hong-Kong	6-30 „	14th „	Strs. *A. Apcar* and *Suez.*
Rangoon, Moulmein and Straits	6-30 „	14th „	Str. *Pemba.*†
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Ackland, W. H.	Daniel, J. H.	Mayne, J. H.
Adams, Mrs. S. S.	Daniell, G.	Madon, D. P.
Alexander, G.	Davies, W. R.	Murray, Mrs.
Allen, T. A.	Day, E. M.	Palmer, R.
Allen, Thomas.	David, A.	Parakh, N. N.
Anderson, J.	D'Cruz, H. L.	Parkes, B.
Anderson, Mrs.	Decruz, F.	Pearson, H.
Andrews, S. J.	D'Cruz, H.	Peters, Miss M.
Bailly, Harris.	D'Cruz, J. M.	Powell, J. F.
Barlow, C.	D'Cruz, R.	Roberts, C. F.
Bernett, William J.	D'Gruz, S.	Roserow, A.
Bicker, Charles J.	Fiddian, W. (B.A.)	Sausman, A. E.
Bradwell, Joseph.	Fry, R.	Samuel, J. D.
Bradley, P.	Francis, C.	Searle, Miss.
Brown, Robert.	Gabriel, Dr. A.	Seaton & Co.
Burgess, Miss A.	Gomes, H.	Shoshee Bhusun Sreemany.
Caley, W. H.	Gomes, Miss.	
Carrigan, S. A. L.	Godfrey, F. E.	Shea, James.
Cahill, J. R.	Grant, Mrs. E. C.	Sunders, Samuel.
Carter, J. J.	Hawell, A.	Taplin, Edwin.
Chisnee, Mons. A.	Hampton, S. C.	Walsh, G. E.
Codd, Mrs. M. T.	Heart, Mrs.	Watson, W. P.
Cornelius, C.	Holt, Mrs. J.	Walker, M. A.
Coyne, E. H.	Joseph, Mary Magdalon.	White, W. G.
Cowhan, W. B.	Koch, Mrs. Emmie.	William, Sergeant W. J.
Crichton, A. W.	Lawdy, Lilly.	Wood, D.

Letters marked " Care of Post Office, to be kept till called for."

Anson, Capt.	Howett, Lt. W. T.	Reid, R.
Angelo, H.	Hilton, Mrs. F. F.	Roe, Lt. R. J.
B. F.	Innis, G. R.	Rourke, G.
Borillon, Mons. J.	Jacob, S.	Schemidt, C.
Bruer, T. S. M.	Jackson, W.	Secunder.
Brown, Miss Mary.	Johnston, J. D.	Sher Shah, Moonshe.
Byford, H.	Kalser, August.	Silvestri, Signore E.
"Carlos."	Kark, Mrs. E.	Smith, Douglas.
C. G. C.	Kelly, F. J.	Smith, W.
Coombs, J. W.	Mann, Alex.	Snow, A. Wilson.
Crowlie, E. T.	Matheson, Alex'	Sterling, William.
Curtain, C.	Manuel, J. B.	Stuart, F.
DeBell, Geo.	Martin, Mrs. C. N.	Strathmore, Miss W.
Deseso Conte.	McWilliams, J.	Temple, Miss E.
Disnysius, Haddens.	Michael, G.	Thompson, W.
Evans, J.	Miller, Mrs. Annie.	Thomson, Geo.
Fielding, Miss.	Owbridge, H.	Thomson, John.
Forbes, H.	Paul, R. C. (Searcher-General.)	Usborne, W.
Fredrick, G.		Wall, W. M.
Green, R.	Perks, M. J.	Warde, Mrs.
Hancock, Mrs.	Priscilla, R.	Wilkinson, W. T.
Hayward, Miss Isabella.	Prendergast, Mrs.	X. Y. Z.
Hamill, James.	C. L. T. F.	

Newspapers.

Anderson, Charles.	Richard, John.	Wilkinson, W. T.
Buchanan, Baverly.	Thompson, John.	Wilson, J. H.

Registered Letters.

Christensen, C.	Gasper, C. G.	Manuel, Mrs. M.
Elluera Bullo, Signor.		

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Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Mergui Archipelago. *Annas 4. (Cancelled; superseded by Notice No. 8).*
„ 3. Junkseylon and adjacent Islands. *Annas 4. (Cancelled; superseded by Notice No. 18.)*
„ 4. False Point Harbour. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. *Annas 4.*
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„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg.
„ 18. Coast of Siam, including Junkseylon and adjacent islands.
„ 19. Africa, East Coast, Pemba Island and Adjacent Coast.
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No. 1. Permanent Moorings for Eastern Channel Light-vessel entrance to Hooghly River.
„ 2. Sunken danger in Mergui Archipelago.
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„ 4. Intended alteration in False Point Light.
„ 5. Shifting of the entrances to Honore (Honawar) and Mangalore on the Malabar Coast.
„ 6. Fixed Light at Roji (Nowa-Nugga) in the Gulf of Cutch.
„ 7. Fixed Light at the entrance to Toona Creek in the Gulf of Cutch.

No. 8. Fixed Light at Goapnath Point in the Gulf of Cambay.
„ 9. Wreck-marking vessels.
„ 10. The alteration in the position and improvement of Pooree Port Light.
„ 11. Shoal Coral Ground in Strait of Banka.
„ 12. Delagoa Bay.—Removal of Cockburn Light-vessel in Bad Weather.
„ 13. (1) Alteration in position of Beacons and Leading Lights—Burnett River Entrance, Australia. (2) Fixed Light on Flap-Top Islet—Pioneer River—Rocky Islets. (3) Revolving Light on Low Isles—Trinity Bay. (4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
„ 14. Sunken dangers between Alguada Reef and Diamond Island—Bay of Bengal.
„ 15. Flashing White Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the Southernmost of the Brothers Islands—Andaman Islands.
„ 17. Australia—South-coast. Gulf of St. Vincent. (1) Prohibited Anchorage near Telegraph cable. Port Phillip. (2) Buoys marking Battery Practice Range at Williams Town. (3) Fixed and Flashing Light on North Reef.
„ 18. Longitude of the Time Ball, Calcutta, and of Saugor Light-House, River Hooghly.
„ 19. (1) Discontinuance of additional Light at fourth Point—Sunda Strait—Java.
(2) Shoal in the Fairway to Batavia Road.
(3) Fixed Light on Meinder's Reef—Madura Strait.
„ 20. (1) Shoal ground westward of Durnford Point—Africa, South Coast.
(2) Distinguishing features marking the Entrance to Tugela River.
(3) Ditto, Entrance to Umhloti River.
„ 21. Buoys off Carwar Harbour (Sedashigar).
„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
(2) Harbour Light at St. Pierre.
„ 23. Buoys off Carwar Harbour (Sedashigar).
„ 24. Buoys and Beacons. Zanzibar Harbour.
„ 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey.
„ 27. Change in the anchorage limits of the Port, Madras.
„ 28. Intended discontinuance of Light at El-Weg (Sherm Wej-h), Red Sea.
„ 29. Interval of intended exhibition of Blue Lights on Rockets at False Point Light-house.
„ 30. Replacing of the Buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticaloa.
„ 33. Black Buoys laid down in Calicut Roadstead to mark the limits of Foul Ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the Buoys off Carwar Harbour (Sedashigar).
„ 36. Telegraph Buoy, south of Aden.
„ 37. Black Buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a Leading Light in Suez Bay.
„ 40. Madras Semaphore.
„ 41. Black Buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to River Hooghly.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 21, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

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E. J. DEAN,
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BANK OF BENGAL.

Calcutta, the 16th August 1880.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on 28th instant on account of the Hindu festival "Junmo Ostomey."

The 19th August 1880.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on the following days:—

On Monday, the 4th October, on account of the Hindu festival "Mohalaya," and from Friday, the 8th, to Tuesday, the 19th October (both days inclusive), on account of the "Doorga and Luckhi Poojah" holidays.

All Government acceptances falling due between the 8th and 19th October will be paid by the Bank on and after the 5th idem.

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 16th August 1880.

No. 17.—Mr. L. V. Fraser, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for three months, under Section 44 of the Civil Leave Code, with effect from the afternoon of the 19th July 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 12th August 1880.

No. 16.—Major E. Swetenham, Executive Engineer, 1st Grade, Mhow Division, has been placed in charge of the Office of Chief Engineer and Secretary to Agent, Governor General, for Central India, in addition to his own duties, from the forenoon of the 11th August 1880, on which date he received charge of the Office from Colonel L. Russell, R.E.

By Order,

E. SWETENHAM, *Major, S.C.,*
In charge of the Office of the Secy. to Agent, Govr. Genl., for Central India.

The 17th August 1880.

No. 17.—With reference to Government Notification No. 253 of the 4th instant, Colonel C. S. Thomason, Superintending Engineer, 3rd Grade, received charge of the Office of Superintending Engineer and Secretary to Agent, Governor General, for Central India, from Major E. Swetenham on the forenoon of the 17th idem.

By Order,

C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Governor General, for Central India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 11th August 1880.

No. 20.—With reference to Inspector General's Notification No. 28 of 30th June 1880, Lieutenant S. Grant, R.E., Executive Engineer, 4th Grade (temporary rank), is posted to the Meerut Division, Military Works, which he joined on the forenoon of the 4th August 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdy. Engr., Meerut Command, Military Works.

Sirhind & Lahore Command.

The 17th August 1880.

No. 78.—Major W. H. Beckett, Executive Engineer, granted three months' privilege leave in Sirhind and Lahore Command Notification No. 72 of 14th May 1880, reported his return to duty, and took over charge of the Kasauli Division, Military Works, from Captain G. Hildebrand, R.E., Executive Engineer, on the forenoon of the 10th August 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdy. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 10th August 1880.

No. 107.—Mr. H. W. Bennett, Assistant Engineer, 2nd Grade, is transferred from the Serohi Division to the Northern Section of the Western Rajputana Railway, with effect from the 5th April 1880.

No. 108.—CORRIGENDUM.—In Notification No. 92, dated 7th July 1880, regarding the passing by certain officers of the colloquial examination in Hindustani, omit the name of Mr. F. H. Collet.

The 11th August 1880.

No. 109.—Mr. T. Wood, Port Store-keeper, has been granted by Her Majesty's Secretary of State six months' leave on medical certificate, in extension of the leave granted to him in this Office Notification No. 44, dated 5th March 1880.

The 13th August 1880.

No. 110.—The two months' special leave from 1st August 1880, to study the native languages, granted by the Engineer-in-Chief, Sindia State Railway, to Mr. H. H. Gahan, Assistant Engineer, 1st Grade, in his Notification No. 5, dated 2nd idem, is confirmed.

The 16th August 1880.

No. 111.—Mr. R. W. Roberts, Assistant Engineer, 2nd Grade, is transferred from the Kandahar State Railway, Hurnai and Gulistan-Karez Sections, to the Punjab Northern State Railway, Pindi Junction to Peshawar Section.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

Pachmarhi, the 17th August 1880.

Sealed tenders are invited on a schedule of rates for the construction of the above Railway to join the city of Bhopal with the Great Indian Peninsula Railway at Itarsi station. The conditions of contract, specification and drawings can be seen at the Office of the Engineer-in-Chief, at Pachmarhi, Central Provinces, where forms of tender and all other necessary information can be obtained.

The work will be divided into four sections as under:—

I.—Itarsi to River Nerbudda.
II.—Nerbudda Bridge.
III.—The Ghat Incline.
IV.—From head of Ghat Incline to Bhopal.

The Government of India (with whom the acceptance of tenders rests) do not bind themselves to accept the lowest or any tender, nor to give to any contractor more than one section of the work.

The tenders are required by the 15th September next.

The following sums must accompany tenders as earnest money, to be returned on rejection of tenders, and to be forfeited in case of non-fulfilment of accepted tenders, *viz.*:—

For Section	I	Rs.	300.
„	II	„	600.
„	III	„	1,000.
„	IV	„	700.

H. T. GEOGHEGAN,
Engineer-in-Chief, Bhopal State Railway.

INDUS VALLEY STATE RAILWAY.

NOTIFICATIONS.

Mooltan, the 1st August 1880.

No. 35.—With reference to Director General of Railways' Notification No. 93, dated 8th July 1880, Mr. F. Finch, Store-keeper, 2nd Grade, joined this line on the 22nd June, forenoon, and was posted to Adamwahan Depôt, of which he took over charge on the same day, forenoon.

* * *

The 7th August 1880.

No. 37.—Mr. A. S. Knolles, Assistant Engineer, 2nd Grade, is transferred from the Sukkur to the Larkhana Division.

R. T. MALLET,
Engineer-in-Chief.

KANDAHAR STATE RAILWAY, Jacobabad Section.

NOTIFICATION.

Jacobabad, the 11th August 1880.

No. 18.—Babu Mul, Assistant Engineer, 2nd Grade, was granted leave on medical certificate for two months from the 9th June 1880.

H. F. STOREY,
Engineer-in-Chief.

NIMACH-NASIRABAD STATE RAILWAY, Southern Section.

NOTIFICATION.

Nimach, the 11th August 1880.

No. 28.—Mr. C. J. S. Baker, Assistant Engineer, 2nd Grade, attached to the 3rd Sub-Division of the 1st Division, Nimach-Nasirabad State Railway, is granted three months' privilege leave, with effect from the 15th current, or from any such subsequent date as his services can be spared.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

Report of a Deserter from the 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 18th day of August 1880.

Number, Rank, and Name,—No. 60Bde.—1056, Private Thomas Barefoot.	At what Place Enlisted,—London, England.
Age,—22 years 5 months.	Parish and County in which Born,—St. John's, London, England.
Size,—5 feet 5 inches.	Marks,—None.
Color of—Complexion, fresh; hair, brown; eyes, hazel.	Trade,—Sailor.
Date of Desertion,—13th August 1880.	Coat or Jacket,— } Regimental. Waistcoat,— ... Breeches or Trowsers,— ...
Place of Desertion,—Fort William, Calcutta.	REMARKS,—Took part of regimental necessaries.
Date of Enlistment,—7th February 1877.	Under 4 years' service.

R. M. ROGERS, *Col. & Lieut.-Col., Comdg. 90th Light Infy.*

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DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Aug. 9	...	1,07,186	...	31,512	60,52,599	27,71,019
„ 10	...	1,17,246	25,028	2,248	58,91,222	26,90,289
„ 11	...	80,758	...	2,248	57,92,211	26,08,787
„ 12	1,754	1,17,910	2,051	1,837	56,04,269	25,00,238
„ 13	...	...	...	1,837	56,04,424	25,00,238
„ 14	...	1,13,417	...	1,837	55,13,866	23,93,764

CALCUTTA MINT, *The 16th Aug. 1880.* } J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 19th August 1880 ... Rs. 1,80,80,700-2-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 20th August 1880.*

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st July 1880.

PARTICULARS.	3½ per cent. Loans	4 per cent. Loans									4½ per cent. Loans						5 per cent. Debentures	5 per cent. Loan	6½ per cent. Loan	Total Amount.
	3½ per cent. Loan of 1853-54.	Of 1824-25.	Of 1826-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Transfer Loan of 1879, Sterling 5 per cent. Portion.	5 per cent. Debenture for 15 years, Re-payable June 1882.	5 per cent. Loan of 1866-67.	6½ per cent. Loan of 1869-80.	
Balance of 15th July 1880	54,100	38,506	2,346	15,46,880	30,90,600	2,50,19,400	1,11,55,400	1,85,10,100	3,09,86,500	47,75,400	4,43,000	98,50,000	8,70,07,500	1,01,700	34,36,000	65,900	1,40,200	19,62,23,432
Add—																		
Amount enfaced at Madras between 16th and 31st July 1880	...	...	...	...	...	6,000	...	7,500	...	...	...	...	1,00,000	...	...	...	...	1,13,500
Amount enfaced at Bombay between 16th and 31st July 1880	...	...	...	...	...	10,600	...	...	...	...	...	...	2,000	...	...	...	...	12,600
Amount enfaced at Calcutta between 16th and 31st July 1880	...	...	...	...	2,500	6,900	...	1,05,500	50,000	22,000	1,500	10,300	38,100	...	...	...	...	2,34,700
	54,100	38,506	2,346	15,46,880	30,93,100	2,50,42,900	1,11,55,400	1,86,23,100	3,10,36,500	47,97,400	4,44,500	98,60,300	8,71,45,600	1,01,700	34,36,000	65,900	1,40,200	19,65,84,232
Deduct—																		
Amount written off in the London Registers	...	...	...	...	...	4,42,900	82,800	2,47,100	2,99,300	2,000	1,000	1,41,500	7,67,200	...	...	...	7,000	19,19,700
Balance on 31st July 1880	54,100	38,506	2,346	15,46,880	30,93,100	2,46,00,000	1,10,72,600	1,83,76,000	3,08,08,200	47,95,400	4,43,500	97,19,800	8,63,78,400	1,01,700	34,36,000	65,900	1,33,200	19,46,64,532

NOTE.—From 9th June 1867 to 31st May 1884, enfaced from India, 3,377 lakhs; re-transferred from London, 3,273 lakhs.

" 1st " 1880 to 15th June	"	34 "	" 13 "
" 16th " " to 30th "	"	4 "	" 9 "
" 1st July " to 15th July	"	3 "	" 9 "
" 16th " " to 31st "	"	3 "	" 19 "
		3,821 lakhs.	3,323 lakhs.
		3,323 "	
Balance against India		498 lakhs.	

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 19th August 1880.

MAPS OF THE SURVEY OF INDIA,

Published at the Offices of the Surveyor General of India, Calcutta and Dehra Dún, for the Quarter ending 30th June 1880.

Agents:

Calcutta,—Messrs. Thacker, Spink & Co.
Allahabad,—Curator, Government Books, North-Western Provinces.
Nagpore,—Curator, Government Books, Central Provinces.
Lahore,—Curator, Government Central Book Depôt.
Madras,—Messrs. Higginbotham & Co.
Poona,—Superintendent, Government Photozincographic Department.
Rajkot,—Mr. Narainjee Sunderjee, for maps of Kattywar only.
Ahmedabad,—The Huzoor Deputy Collector, for maps of Guzerat only.
London,—Messrs. Allen & Co., Waterloo Place.
Do. Mr. Edward Stanford, 6, Charing Cross.
Simla,—Messrs. Williams & Co., Fancy Repository.

All published maps are also sold at the Office of the Surveyor General of India, Calcutta, by Mr. J. N. T. Wood, for cash prepaid.

N. B.—Maps are issued *free of charge* only on the Public Service. (It is particularly requested that the nearest local Agents as above be first applied to, for any map required on the Public Service, before indenting on this Department.) The *cost of packing and postage of parcels must be borne by applicants themselves.* Lists of all newly published maps are periodically notified in the Gazettes of India and of local Governments.

Description.	Size.	Price of Map unmounted per sheet or copy. Uncolored. Rs.	A.	Colored. Rs.	A.
GENERAL MAPS.					
Scale 1 Inch = 128 Miles.					
India, No. 2 (Eighth Edition, without Hills)	Imperial	1	0	1	4
Scale 1 Inch = 64 Miles.					
India (with Hills in Chalk)	2 Sheets D. R.	5	0	7	0
Scale 1 Inch = 8 Miles.					
Assam Province, Sheets Nos. 7 and 8 in one	Imperial	1	0	1	4
Scale 1 Inch = 4 Miles.					
*Gilgit and surrounding Country (Kashmir)	½ Sheet Antiquarian	1	0	1	4
Indian Atlas, Quarter Sheet, No. 18 S. W., Part of Bahawalpur State (Punjab))	½ Sheet Atlas	0	12	0	12
Indian Atlas, Quarter Sheet No. 22 S. W., Kattywar, Jhalawad, &c. (Bombay Presidency)	Ditto	0	12	0	12
Indian Atlas, Quarter Sheet No. 34 S. W., Mhairwara, Jodhpore and Oodeypore (Rajputana)	Ditto	0	12	0	12
Indian Atlas, Quarter Sheet No. 66 S. W. (Preliminary Edition), Bijnor, Kumaun, British Garhwal, &c. (N. W. Provinces)	Ditto	0	12	0	12
Indian Atlas, Quarter Sheet No. 71 N. E., Jubbulpore, Damoh and Mandla (Central Provinces)	Ditto	0	12	0	12
Indian Atlas, Sheet No. 130 N. E., Sibsagar and Naga Hills (Assam)	Ditto	0	12	0	12
Northern Afghanistan. Map of the Seat of War in—(*2nd Edition*)	2 Sheets D. Impl.	4	0	4	0
Kalat-i-Ghilzai and Ghazni. Country between—In continuation of the Map of Seat of War in Northern Afghanistan	Double Imperial	1	8	1	8
DISTRICT MAPS.					
Gya (Bengal)	Double Royal	1	0	1	4
Karnal (Punjab). Preliminary Edition	Atlas	1	0	1	4
Shahabad (Bengal)	Antiquarian	1	0	1	4
TOPOGRAPHICAL SURVEY MAPS.					
Scale 1 Inch = 1 Mile.					
Bhopal and Malwa, Sheets Nos. 24, 44, 46 and 48. Parts of Gwalior, Indore, Dewas, &c. (Central India Agency)	Double Elephant	1	0	1	4
Central Provinces and Vizagapatam Agency, Sheet No. 12 (*New Series*). Parts of Kalahandi (Central Provinces) and Jeypore (Madras Presidency)	Ditto	1	0	1	4
Khandesh and Bombay Native States, Sheets Nos. 30, 33 and 35. Parts of Khandesh, Chota Udepur, Mathwar, &c.	Ditto	1	0	1	4
Mysore, Sheets Nos. 32, 33, 37, 40, 41 and 42	Ditto	1	0	1	4
Scale 1 Inch = 2 Miles.					
Central Provinces and Vizagapatam Agency, Sheets Nos. 35 and 37 in one (*New Series*). Part of Bastar (Central Provinces)	Ditto	1	0	1	4
Khasi and Garo Hills, Sheet No. 23 (*2nd Edition*)	Atlas	0	8	0	10
Rajputana. Half Degree Sheet No. XII, North. Part of Jodhpore	Double Elephant	1	0	1	4
Rajputana. Half Degree Sheet No. XIII, South. Parts of Bickaneer and Shaikhawati	Ditto	1	0	1	4

* Published and available at the Surveyor General's Office, Dehra Dún.

MAPS OF THE SURVEY OF INDIA—*continued.*

Description.	Size.	Price of Map unmounted per sheet or copy. Uncolored. Rs.	A.	Colored. Rs.	A.
REVENUE SURVEY MAPS.					
Scale 1 Inch = 1 Mile.					
Deccan, Sheet No. 44. Parts of District Sholapur (Bombay Presidency) and Hyderabad (Nizam's)	Double Elephant	1	8	1	12
Maldah District, Sheets Nos. 1, 2, 3, 5 and 6A	Double Royal	1	8	1	12
Rajshahye District, Sheet No. 11	Ditto	1	8	1	12
Sirsa District, Sheets Nos. 1 and 2	Double Elephant	1	8	1	12
CANTONMENT, CITY AND CIVIL STATION PLANS.					
Scale 6 Inches = 1 Mile.					
Dewas City (Central India Agency)	Atlas	1	0	1	4
Scale 1 Inch = 400 feet.					
Akyab Town (British Burmah)	4 Sheets Atlas	3	0	4	0
Moulmein Town (British Burmah)	8 Sheets D. R.	8	0	10	0
Rangoon and Suburbs (British Burmah). *2nd Edition*	9 Sheets D. E.	9	0	11	0
Scale 1 Inch = 200 feet.					
Moulmein Cantonment (British Burmah)	Double Elephant	1	4	1	8
GREAT TRIGONOMETRICAL SURVEY MAPS.*					
Scale 4 Inches = 1 Mile.					
Guzerat, Sheet No. 49, Section 1	Double Elephant	1	8	1	12
" " 49, " 9	Ditto	1	12	2	0
" " 49, " 11	Ditto	1	12	2	0
" " 49, " 12	Ditto	1	12	2	0
Scale 2 Inches = 1 Mile.					
Guzerat, Sheet No. 6, Section 2	Double Elephant	1	12	2	0
" " 7, " 1	Ditto	1	8	1	12
" " 7, " 2	Ditto	1	4	1	8
" " 7, " 3	Ditto	1	12	2	0
Scale 1 Inch = 1 Mile.					
Guzerat, Sheet No. 25	Double Elephant	1	12	2	0
" " 27	Ditto	1	12	2	0
Kattywar, Sheet No. 53	Ditto	1	12	2	0

* Published and available at the Surveyor General's Office, Dehra Dún.

J. O. N. JAMES,
Assistant Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Calcutta, the 24th July 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 17th August 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,615	0	0
Public Deposits at Head Office	Rs. 1,29,65,385 5 4	3,27,94,136	3	4
Public Deposits at Branches	1,98,28,750 14 0			
Other Deposits at Head Office and Branches		2,80,74,629	12	10
Bank Post Bills, &c.		5,[illegible]8,475	7	4
Sundries		10,96,194	2	1
RUPEES		8,47,63,050	9	7

ASSETS.		Rs.	A.	P.
Government Securities		1,40,65,671	0	0
Loans on Government Securities, &c., at Head Office and Branches		63,88,472	3	7
Accounts of Credit on Government Securities, &c., at Head Office and Branches		57,82,902	13	3
Bills discounted and purchased at Head Office and Branches		1,71,81,878	9	9
Balances with other Banks		3,50,281	6	8
Bullion		57,673	9	2
Dead Stock		10,55,549	0	10
Stamps		9,041	14	0
Sundries		4,39,267	3	8
		4,53,30,737	12	11
Cash and Currency Notes at Head Office	Rs. 1,55,75,297 15 1	3,94,32,312	12	8
Cash and Currency Notes at Branches	2,38,57,014 13 7			
RUPEES		8,47,63,050	9	7

By order of the Directors.

BANK OF BENGAL,
Calcutta, 19th August 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
204	D 18— 44805	100	Lalla Ramji Mull, Lucknow.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
138	D 18—53980	100	Lieut.-Col. D. C. Dalmahoy, Naini Tal.
139	D 12—17646 D 16—18605	5 10	Durga Pershad, Shahjehanpur.
19	O 14—11454 * D 16—06370	10	Mr. S. Higgins, Cawnpore.

* Calcutta Circle, and mismatched.

ALLAHABAD,
The 18th August 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880. W50	M 46—35955	50	D. H. de Souza, Ahmedabad.
W51	M 34—78767	20	J. M. Cardoza, Sattara.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880. H126	M 36—26063 " —26773	100 100	Hazul Somji, Bombay.
H127	M 47—07192	10	Pandit Brij Mohan Lall, Jaora.
H128	M 45—45384	10	Sumpat Singh, Allahabad.
M49	M 49—11177 " —11171 M 31—54764 " —54765	10 10	D. L. Rodrigues, Dharwar.

BOMBAY,
The 17th August 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
165	O 68—67594	100	Babu Joy Narain Misser.
166	O 61—23300	20	Mr. E. G. Cuming.
168	O 68—63029	100	Babu Borodaprosad Mitter.
169	O 68—68906	100	Babu Ladley Mohan Singh.
170	O 68—56540	100	Babu Lal Behari Dey.
172	O 81—33735	10	Babu Kailas Chunder Dutt.
173	O 70—89931	500	Beerupa Setty.
174	O 31—76346 " —74067	50 50	Mr. E. Badham.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
110	O 60—33243 " —33245	20	Messrs. Shaw, Finlay, Son and Co.
111	L 27—67310 D 12—14976	5	Babu Radha Gobind Bysack.
112	L 75—56293 L 87—46376	10	Inderjit Jemadar.
113	L 56 - 92393 " —92396	5	Babu Kristo Das Ghose.
114	O 6—54792 O 8—16218	10	Babu Prasanna Chunder Ghose.
115	L 17—83681 " —83680	5	Babu Kali Das Ghose.
116	O 26—95727 O 25—86246	20	Babu Hurry Das Bysack.
117	O 54—75334 " —75332	10	Mr M. C. Mason.
192	O 49—96738	10	Babu Haran Chunder Chatterjee.
193	O 30—91249 " —82116	50 50	Babu Suk Lal Singh.
194	O 51—65387	10	Lekhai Ram.
195	O 46—29386	10	Mr. J. W. W. Watsons.

CALCUTTA,
The 20th August 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
J 9—42527 " —46701	10 10	Mr. G. J. D'Mello, Calicut.
J 3—86431	100	B. Venkutramiah, Bellary.
J 9—28166	10	C. Ganapaya, Cassergode.
J 10—23183	100	Ramamju Moodliar, Wallajanaugger.
J 9—43477	10	Superintendent of Government Farms, Saidapet.

CALICUT,
The 7th August 1880.

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
I 11—18328 * " —18589	20	Mahomed Sibukhtullah, of Madras.

* Mismatched.

COCONADA,
The 6th August 1880.

Actg. Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
G 10—36404 * " —41846	100	Shamdass Gopaldass, Gomasta, Kurrachee.

* Mismatched.

KURRACHEE,
The 10th August 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
66	E 13—86256 " —84897	100 100	Nathoo Ram, Beas.
67	E 15—43115 E 13—74039 " —69532 " —46181	50 100 100 100	The Post Master General, Punjab, Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
95	E 15—53740	50	Badri Dial, Manduri.
108	E 15—53632	50	Major W. R. Craston, Cabul.

LAHORE,
The 14th August 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
37	B 56—78316	10	Mr. S. Hamilton, St. Thomas' Mount, Madras.

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
82	... B 62—92934 ...	100	Ramalinga Pillai, 88, Municipal Bazar, Vellore.
83	... B 46—95300 ...	5	K. Murugesa Pillai, Inspector of Police, Kallakurchi, South Arcot.
	B 56—62573 ...	10	
84	... B 54—96817 ...	20	Raghavendra Trivikram, Measurer, care of Captain Lawrence, Assistant Superintendent, Revenue Survey, Bangalore.
	B 57—60802 ...	20	
	„ —60855 ...	20	
	B 62—38416 ...	100	
	„ —64888 ...	100	
85	... B 60—54917 ...	10	D Subramaniya Nayadu, Sheristadar, Palmaner.

FORT SAINT GEORGE, *The 9th August 1880.*

H. S. GROVES.
Offg. Asst. to Accth. Genl., in charge of Paper Currency Dept., for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 26th July 1880.

The remitter of an Inland Money Order may attach to the form of application a post-card which will be delivered to the payee with the Money Order. The remitter should write on the appropriate side of the post-card the name and address of the payee, and on the reverse he may write any instructions or communication he desires to be conveyed to the payee.

E. R. DOUGLAS,
Offg. Depy. Dir. Genl. of the Post Office of India.

The 13th August 1880.

No. 5581.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, NORTH AFGHANISTAN.

Mr. M. LeBreton has been appointed to be *sub. pro tem.* Chief Inspector of Post Offices, North Afghanistan.

Mr. S. LeM. Lord has been appointed to be *sub. pro tem.* Superintendent of Mails, Jalalabad Division.

Mr. Henry Smith has been appointed to be *sub. pro tem.* Superintendent, Kabul Division.

Mr. J. Harry Smith has been appointed to be *sub. pro tem.* Post Master, Khyber Sorting Office.

Mr. A. C. Firth has been appointed to be *sub. pro tem.* Post Master, Kabul Post Office.

Babu Bepin Behari Mukerji has been appointed *sub. pro tem.* Assistant Superintendent of Mails, Jalalabad Division.

G. J. HYNES,
Offg. Asst. Dir. Genl. of the Post Office of India.

The 14th August 1880.

No. 5647.—Mr. M. Percy, Presidency Post Master, Madras, resumed charge of his office, on return from privilege leave, on the forenoon of the 3rd August instant.

E. R. DOUGLAS,
Depy. Dir. Genl. of the Post Office of India.

Calcutta, the 20th August 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	28th Aug.	From Bombay.
Madras, Ceylon, and the Intermediate Ports	6-30 „	23rd „	Str. Calpe.
Madras and Ceylon	6-30 „	24th „	P. & O. Str. *Mongolia.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6-30 „	24th „	From Bombay.
Foreign Mails *viâ* Bombay	6-30 „	25th „	From Bombay.*
Do. Book post and pattern packets	6-30 „	24th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	26th „	Str. *Simla.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6-30 „	27th „	Str. *Mahratta.*
Persian Gulf	6-30 „	21st „	From Bombay.

* Also *viâ* Aden, Mails for Zanzibar, Mozambique, Natal and the Cape of Good Hope can be forwarded.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 21st August 1880.

Alexander, G.
Allen, T. A.
Allen, Thomas.
Allen, Master F.
Andrews, J.
Anderson, Mrs.
Bartlett, H. H.
Bernett, William J.
Blyth, Brothers & Co.
Bee, Mrs.
Broughton, E.
Carrigan, S. A. L.
Carter, J. J.
Cooke, William.
Cowhan, W. B., Mrs.
Chesnel, A.
Deeruz, F.
DeCosta, J.
Dehany, J.
Denimson, J. H.
Denton, T. W.
DeSilva, F.
Dick, G.
Dicks & Co.
Dickens, T.
Dissent, A. M.
Dixon, J.
Dobson, E.
D'Cruz, R.
D'Cruz, S.
D'Rozario, E.
D'Rozario, F.
D'Souza, A.
Fiddian.
Fielding, Miss.
Forbes, H.
Franco, C. G.
Fredrick, G.
Gabriel, Dr. A.
Gonesh Chundra Banerjee.
Gonsalves, Mrs. V.
Gomes, Miss E.
Gomes, J. T.
Gleeson, Mrs.
Graham, Capt. Goo.
Green, R.
Heart, Mrs. M.
Hodson, R. G.
Holmes, C.
Holt, Mrs. J.
Jackson, Capt. (P.W.D.)
James, W.
Jefferson, Mrs. L.
Long, Mrs. Theresa.
Manuel, J. B.
Moore, E.
Murray, Mrs.
Parakh, N. N.
Paterson, Miss.
Pearson, H.
Peters, Mrs.
Peters, Mrs. A.
Peyton, Mrs.
Philips, Alfred.
Rogers, Mrs. M.
Samuel, J. D.
Scarlo, Miss.
Shea, James.
Shew, G. H. A.
Shephard, J. H.
Smith, C. N.
Stronz, W. J.
Swatman, E.
Wade, Mrs.
Walsey, Mr. (M.D.)

Letters marked "Care of Post Office, to be kept till called for."

Ackland, W. H.
Andrews, S. J.
Anson, Capt.
Angelo, H.
B. F.
Bailly, Harris.
Borillon, Mons. J.
Bruer, T. S. M.
Brown, Miss Mary.
Byford, H.
"Carlos."
C. G. C.
Coombs, J. W.
Crowlie, E. T.
Curtain, C.
Deliell, Geo.
Deseso Conte.
Dustysius, Haddeus.
Evans, J.
Hancock, Mrs.
Hayward, Miss Isabella.
Hamill, James.
Hewett, Lt. W. T.
Innis, G. R.
Jacob, S.
Jackson, W.
Kaiser, August.
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Rourke, G.
Schemidt, C.
Seccunder.
Sher Shah, Moonshe.
Silvestri, Signore E.
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Smith, W.
Snow, A. Wilson.
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Stuart, F.
Strathmore, Miss W. T. F.
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Thompson, W.
Thomson, Geo.
Thomson, John.
Usborne, W.
Wall, W. M.
Warde, Mrs.
Wight, C. F.
Wilkinson, W. T.
X. Y. Z.

Newspapers.

Richard, John.
Thompson, John.
Wilkinson, W. T.
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☞ **Separate paging is given to this Part in order that it may be filed as a separate compilation.**

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Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

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HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 25th August 1880.

Mr. S. Tremearne Private Secretary and Clerk to the Chief Justice, has obtained privilege leave of absence for three months from the 16th of August instant, under Section 44*a* of the Civil Leave Code.

By Order,
R. BELCHAMBERS,
Registrar.

BANK OF BENGAL.

NOTICE.

Calcutta, the 26th August 1880.

Mr. E. M. Slater has been appointed to act as the Bank's Agent in Bombay during the absence on leave of Mr. G. W. Moultrie, or until further orders.

For the Bank of Bengal,
R. HARDIE,
Secretary & Treasurer.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 23rd August 1880.

No. 18.—Mr. F. G. Teale, a Superintendent of the 1st Grade, is allowed privilege leave for three months, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 15th August 1880.

No. 19.—Mr. W. H. M. Hare, an Assistant Superintendent of the 1st Grade, is allowed furlough for eighteen months, under Section 21 of the Civil Leave Code, with effect from the 7th August 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 20th August 1880.

No. 8.—Mr. S. O. Madras, Assistant Surveyor, 2nd Grade, is granted privilege leave for one month, under Section 13, Supplement F, of the Civil Leave Code, with effect from the forenoon of the 16th August 1880.

The 25th August 1880.

No. 9.—Mr. R. Todd, Assistant Surveyor, 1st Grade, is granted privilege leave for two months, under Section 13, Supplement F, of the Civil Leave Code, with effect from 1st September 1880.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

PUBLIC WORKS DEPARTMENT—
Military Works.

NOTIFICATIONS.

Simla, the 17th August 1880.

No. 35.—Mr. J. D. Davies, Assistant Engineer, passed the Departmental Standard Examination in Hindustani on the 4th August 1880.

The 18th August 1880.

No. 36.—With reference to Public Works Department Notification No. 275, dated 13th August 1880, Lieutenant H. L. Wells, R.E., Executive Engineer, 4th Grade (temporary rank), joined the Military Works Branch on 8th August 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Meerut Command.

Meerut, the 20th August 1880.

No. 21.—Major A. C. Padday, R.E., Executive Engineer, Ranikhet Division, Military Works, is granted three months' privilege leave, which he availed himself of on the forenoon of the 13th August 1880.

No. 22.—With reference to this Office No. 21 of this day's date, Major A. C. Padday, R.E., Executive Engineer, and Mr. M. Birkbeck, Executive Engineer, respectively made over and received charge of the Ranikhet Division, Military Works, on the afternoon of the 12th August 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command,
Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 18th August 1880.

No. 112.—The following transfer is made from the Kurram Valley Railway Survey:—

Major K. A. Jopp, R.E., Executive Engineer, 1st Grade, to the Office of the Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta.

No. 113.—With reference to Public Works Department Notification No. 269, dated 12th August 1880, Mr. S. Jarman, Assistant Engineer, 2nd Grade, is posted to the Jacobabad Section of the Kandahar State Railway.

The 19th August 1880.

No. 114.—With reference to Public Works Department Notification No. 271, dated 12th August 1880, Mr. G. W. Winckler, Assistant Engineer, 1st Grade, is posted to the Kandahar State Railway, Jacobabad Section.

No. 115.—Mr. A. S. Gerrard, Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on the 22nd June 1880.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

Pachmarhi, the 17th August 1880.

Sealed tenders are invited on a schedule of rates for the construction of the above Railway to join the city of Bhopal with the Great Indian Peninsula Railway at Itarsi station. The conditions of contract, specification and drawings can be seen at the Office of the Engineer-in-Chief, at Pachmarhi, Central Provinces, where forms of tender and all other necessary information can be obtained.

The work will be divided into four sections as under:—

I.—Itarsi to River Nerbudda.
II.—Nerbudda Bridge.
III.—The Ghat Incline.
IV.—From head of Ghat Incline to Bhopal.

The Government of India (with whom the acceptance of tenders rests) do not bind themselves to accept the lowest or any tender, nor to give to any contractor more than one section of the work.

The tenders are required by the 15th September next.

The following sums must accompany tenders as earnest money, to be returned on rejection of tenders, and to be forfeited in case of non-fulfilment of accepted tenders, *viz.*:—

For Section	I	Rs.	300.
"	II	"	600.
"	III	"	1,000.
"	IV	"	700.

H. T. GEOGHEGAN,
Engineer-in-Chief,
Bhopal State Railway.

KURRAM VALLEY STATE RAILWAY SURVEYS.

NOTIFICATION.

Peshawar, the 10th August 1880.

No. 31.—With reference to Government of India, Public Works Department, Notification No. 248, dated 28th July last, Major S. C. Clarke, R.E., Executive Engineer, 1st Grade, was relieved of his duties on these Surveys on the forenoon of the 4th instant.

H. J. NUTHALL, *Major, B.S.C.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Pindi-Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 21st August 1880.

No. 26.—Mr. J. Hogan, Assistant Engineer, 1st Grade, is granted three weeks' privilege leave, with effect from 28th July 1880, or such subsequent date as he may avail himself of the same.

No. 27.—Mr. O. J. Shedlock, Assistant Engineer, 2nd Grade, is granted one month's privilege leave, with effect from 11th August 1880.

No. 28.—Mr. H. J. Oddie, Assistant Engineer, 2nd Grade, reported his return from the leave on medical certificate granted him—*vide* Director General of Railways' Notification No. 106, dated 9th August 1880—on the 4th July, and is posted to the Office of Engineer-in-Chief.

F. L. O'CALLAGHAN,
Engineer in-Chief.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon General, Her Majesty's Forces in Bengal and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 24th August 1880

LIABILITIES.	Rs.	A.	P.	ASSETS.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0	Government Securities	1,36,88,925	0	0
Reserve Fund	22,89,615	0	0	Loans on Government Securities, &c., at Head Office and Branches	63,82,453	10	1
Rs. A. P.				Accounts of Credit on Government Securities, &c., at Head Office and Branches	43,01,534	10	5
Public Deposits at Head Office 79,46,975 6 10; Public Deposits at Branches 1,99,16,860 8 8	2,78,63,835	15	6	Bills discounted and purchased at Head Office and Branches	1,68,59,394	13	0
Other Deposits at Head Office and Branches	3,00,21,423	2	1	Balances with other Banks	5,42,592	13	4
Bank Post Bills, &c.	5,47,716	3	5	Bullion	55,768	0	2
Sundries	10,99,634	5	9	Dead Stock	10,55,729	15	4
				Stamps	8,805	7	0
				Sundries	4,06,767	3	2
					4,33,01,971	8	6
				Rs. A. P.			
				Cash and Currency Notes at Head Office 1,43,94,360 7 3; Cash and Currency Notes at Branches 2,41,25,892 11 0	3,85,20,253	2	3
RUPEES	8,18,22,224	10	9	RUPEES	8,18,22,224	10	9

By order of the Directors.

BANK OF BENGAL,
Calcutta, 26th August 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Aug. 16	...	88,656	84	1,754	53,20,744	23,10,670
„ 17	...	91,796	...	1,754	52,29,931	22,24,127
„ 18	...	43,134	1,695	11	51,34,714	21,85,621
„ 19	...	59,128	...	9	51,38,458	21,28,684
„ 20	...	1,12,072	...	9	50,47,355	20,23,058
„ 21	...	1,07,539	...	9	49,53,322	19,22,267

CALCUTTA MINT, *The 23rd Aug. 1880.* } J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 26th August 1880 ... Rs. 1,35,31,445-1-3.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 27th August 1880.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
205	... D 12—28702 ...	5	The Post Master General, North-Western Provinces.
206	... D 18—54732 ...	100	Raghubar Dial, Mainpuri.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
20	... E 7—53983 } * D 10—60239 }	5	Nuthoo Mull, Rawalpindee.

* Mismatched.

ALLAHABAD, *The 25th August 1880.*

W. H. EGERTON, *A.A.-G., In charge of Paper Currency Office.*

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W52	... M 46—41387 ...	50	D. J. Menezes, Bhusawal.
	M 53—27958 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H129	... M 34—80941 ...	20	Revd. J. F. Casha, Bombay.
H130	... M 51—*1353 ...	10	Budhesing Nunkoosing, Bombay.
M51	... M 37—81436 } „ —81439 }	100	Abdul Rehman Salay Mahomed, Bombay.
	M 19—97103 } M 18—89803 }	10	

BOMBAY, *The 24th August 1880.*

C. E. CRAWLEY,
Offg. Asst Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
180	... O 68—59285 ...	100	Messrs. Ahmeddeen & Co.
181	.. O 70—96129 ...	500	Babu Hera Lal Roy.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
118	... O 10—31845 } „ —51112 }	10	Beneck Misser.
	O 11—87645 } „ —87648 }	10	
119	... O 44—29429 } „ —29430 }	10	Babu Doyal Chand Halder.
121	... O 77—43281 } „ —43282 }	10	Mr. L. B. B. King.
122	... L 21—40012 } „ —40015 }	5	Messrs. D. B. Mehta & Co.
	L 24—62753 } „ —62752 }	5	
123	... L 56—25742 } „ —25743 }	5	Babu Shib Chunder Auddy.
196	... O 12—33193 ...	10	Babu Bunsee Lal Abeerchand, Rai Bahadoor.
197	... O 75—38492 ...	10	Babu Mooralydhur Johuri.
198	... L 93—06273 ...	50	Babu Gopeekaut Roy.
199	... O 61—03317 ...	20	Mr. E. W. Hart.
	O 60—98716 ...	20	
	O 81—73329 ...	10	
200	... O 77—92981 ...	10	Babu Akhoy Kumar Bosu.
201	... O 68—87971 ...	100	Babu Kristo Lal Dutt.
202	... O 37—37235 ...	5	Babu Ram Lal Chatterjee.
203	... L 26—99723 ...	5	Babu Umbica Churn Chatterjee.

CALCUTTA, *The 27th August 1880.*

FRED. GREENWAY,
Offg. Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
G 14—59154 ...	10	Leelaram Chenrai, Munshi, Police Office, Kurrachee.

KURRACHEE, *The 17th August 1880.*

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
68	... E 15—56606 ...	50	C. A. Greenwood, Esq., Sealkote.
69	... E 17—02872 ...	20	G. Mitchell, Esq., Lahore.
70	... E 18—09575 to „ —09585	10 each.	Hurchand Roy, Umballa.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
105	... E 15—52505 ...	50	W. F. Woodward, Esq., Mussoorie.
	„ —37357 ...	50	
115	... E 16—89974 ...	10	Joala Singh, Lahore.

LAHORE, *The 21st August 1880.*

H. J. BRERETON,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
38	... B 47—01157 ...	5	Tirumarayana Das, care of B. S. Krishnaswami Nayadu, Inspector of Police, Kumbaconam.
	„ —14669 ...	5	
	B 60—45169 ...	10	
	B 57—66589 ...	20	
39	... B 60—70280 ...	10	Varadarajulu Mudali, Kanakapillai of Mr. C. Patch, Vepery, Madras.
	„ —75378 ...	10	
	„ —76349 ...	10	
	„ —77683 ...	10	
	B 57—81028 ...	20	
	„ —81230 ...	20	
	„ —81254 ...	20	
	B 66—13100 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
86	... B 55—60533 ...	50	T. V. Arunachala Pilai & Co., Cigar Merchants, Warriore.
87	... B 60—43118 ...	10	Ghulam Sheriff, Bhimanaikenpoliem, Trichinopoly, for Jehangir Khan Sahib, Bangalore.
88	... B 56—55680 ...	10	M. Abdhula Sheriff, Merchant, Triplicane, Madras.
89	... B 61—39646 ...	50	K. Lakshminarasaya, Buchireddipoliem, Nellore District.
90	... B 56—78316 ...	10	Mrs. S. Hamilton, Purserwalkam, Madras.
91	... B 42—85193 ...	20	B. Ramalinga Aiyar, Pleader, District Court, Cuddalore.
92	... B 62—46212 ...	100	Dadablai Edulji, Ootacamund.
	„ —68776 ...	100	
15	... B 41—46046 } * „ —46049 }	10	Hajee Mitta Kassim & Co., Armenian Street, Madras.

* Wrongly joined.

FORT SAINT GEORGE, *The 16th August 1880.*

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1879-80.		Rs.	
H28	... F 8—56278 ...	20	Ramsarun Ghose, Clerk of the Court, Deputy Commissioner's Office, Sambalpur.
1880-81.			
H10	... F 13—39076 ...	5	Phirozesha Auderjee, of Kamptee.

NAGPUR, *The 18th August 1880.*

W. D. COWLEY,
Asst. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 20th August 1880.

No. 5868.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, PUNJAB

Mr. J. W. Buckner has been appointed to act as Superintendent, Punjab Military Horse Van Dâk and Bullock Train, Rawalpindi.

Mr. C. Lawder has been appointed to be Superintendent, Quetta Division.

Mr. Swinburne has been appointed to be Assistant Superintendent, Quetta Division.

Mr. T. W. Tytler has been appointed to be Assistant Superintendent, Kurrum Division.

G. J. HYNES,
Offg. Asst. Dir. Genl. of the Post Office of India.

The 27th August 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	28th Aug.	From Bombay.
Madras, Ceylon, and the Intermediate Ports	6-30 „	30th „	Str. *Madura.*
Foreign Mails *viâ* Bombay	6-30 „	1st Sept.	From Bombay.
Do. Book post and pattern packets	6-30 „	31st Aug.	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	2nd Sept.	Str. *Peralia.*
Chittagong, Akyab and Rangoon	6-30 „	3rd „	Str. *Medina.*
Persian Gulf	6-30 „	4th „	From Bombay.
Port Blair and Camorta	6-30 „	3rd „	Str. *Satara.*

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 26th August 1880.

Ariss, Esq.
Allen, Master F.
Andrew, F.
Bampton, Mrs.
Beecher, E.
Bennett, J. B.
Brown, S.
Carter, J. J.
Casters, T.
Carson, T.
Cartwright, Capt. C.
Canitz, H.
Cooke, William.
Doucett, S. R.
DeCosta, J.
Delamy, J.
DeSilva, F.
Dick, G.
Dick, H. P.
Dicks & Co.
Dickens, T.
Dissent, A. M.
Dixon, J.
Dobson, E.
Dobson, G.
Douglas, C. A.
Douglas, R. H.
Dreberg, T.
Dudman, R. H.
D'Rozario, F.
D'Souza, S.
Fernandez, J. T.
Forbes, H.
Fredrick, G.
Gay & Co.
Gonsalves, Mrs. V.
Gomes, J. T.
Greene, J.
Harrison, Mrs. Anny.
Heart, Mrs. M.
Hodson, R. G.
Jackson, Capt. (P.W.D.)
Jefferson, Mrs. L.
Lima, A.
Long, Mrs. Theresa.
Michael, Master E. S.
Migh, R. H.
Montromery, R.
Moore, E.
Oldham Brothers (Agents.)
Philips, Alfred.
Poorna Chunder Sing.
Rogerson, Mrs. L.
Robert, Ia.
Robinson, J.
Rupert, Deck Emma.
Salonoa, —.
Sanderson, T.
Saxtor, Joseph.
Shew, G. H. A.
Shields, Mrs. Ann.
Simpson, K.
Smith, A. M. O.
Smith, J. T.
Soull, Henry.
Stewart, Mrs.
Taverner, Messrs.
Wade, Mrs.
Walsey, Mr. (M.D.)
Walfrum, Signr. E.
Walker, C.
Walter, C.
Wells, T. William.
Wight, W. G.
Woodburry, —.
Young, I. M.

Letters marked "Care of Post Office, to be kept till called for."

Aldley, Capt. J. W.
Andrews, S. J.
Anson, Capt.
B. F.
Baily, Harris.
Blair, T.
Blackton, T. W.
Bordion, Mons. J.
Brown, Miss Mary.
Byford, H.
"Carlos."
Caller, Monsieur L.
C. G. C.
Coombs, J. W.
Crowlie, E. T.
Curtain, C.
Descoo Conte.
Dionysius, Haddens.
Evans, J.
Gomes, J.
Hancock, Mrs.
Hayward, Miss Isabella.
Hamill, James.
Hewett, Lt. W. T.
Hopekirk, William.
Innis, G. R.
Jacob, S.
Jackson, W.
Kaiser, August.
Kelly, F. J.
Matheson, Alex
McWilliams, J.
Michael, G.
Miller, Mrs. Annie.
Morton, M.
Murdoch, Mrs. F.
Paul, R. C. (Searcher-General.)
Perks, M. J.
Priscilla, R.
Prendergast, Mrs. C. L. T. F.
Rae, William.
Reid, R.
Roe, Lt. R. J.
Rourke, G.
Schemidt, C.
Seecunder.
Sher Shah, Moonshe.
Silvestri, Signore E.
Smith, Douglas.
Smith, W.
Snow, A. Wilson.
Sterling, William.
Stuart, F.
Strathmore, Miss W.
T. F.
Temple, Miss E.
Thompson, W.
Thomson, John.
Usborne, W.
Wall, W. M.
Warde, Mrs.
Wight, C. F.
Wilkinson, W. T.
Wyllie.
X. Y. Z.

Newspapers.

Andrews, S. S.
Buchanan, Baverly.
Crowlie, E. T.
Denham, J. P.
Innis, G. R.
Prendergast, Mrs.
Thompson, John.
Wilson, J. H.

Registered Letters.

Dubus, E. E.
Gasper, C. G.
Kureem Alli, Sub-Surveyor.
Megam, Peter.
Pinto, J. A.
Warbett, Esq.
Young, E. A.

E. C. GEORGE,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج '

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه '

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه'

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه '

FOR SALE

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 4, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, **will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts,** should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

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E. J. DEAN,
Publisher, Gazette of India.

SECOND DELIVERY OCTACAMUND

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 1st September 1880.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor General in Council, appointed Baboo Grees Chunder Bonnerjee, Assistant Clerk of the Court, to officiate as Private Secretary and Clerk to the Chief Justice during the absence of Mr. S. Tremearne on privilege leave, or until further order, with effect from the 16th ultimo.

By Order,
R. BELCHAMBERS,
Registrar.

NOTICE TO MARINERS.

No. 10 of 1880.

BAY OF BENGAL—COROMANDEL COAST. MADRAS.

Changes in the Buoyage of the Port.

With reference to Notice to Mariners, No. 27, issued from this Department on the 21st August 1879, it is further notified that, owing to the continual extension of the harbour piers into deep water, and in order to permit of a greater space being available for steamers inside the harbour piers, it has become necessary to remove the large red buoy which hitherto marked the western limit of the anchorage for steamers.

Commanders of steamers are warned by the Marine Authorities at Madras not to anchor between the piers in less than 5½ fathoms at low water; and that when anchoring in this depth, they will do so on their own responsibility, and with the exercise of care and judgment.

All sailing vessels, excepting dhonies, should anchor in or beyond the 8½ fathom line of soundings, and outside the northern and southern port buoys.

The port buoys are painted red and white vertically, and are anchored in 8 fathoms. These buoys are *danger* buoys, and Commanders of vessels making or leaving the anchorage are hereby warned *not to pass inshore* of either of them, nor come under 9 fathoms by night.

The northern buoy marks the position which will form the extreme end of the north pier.

Vessels are on no account to venture between the northern buoy and the north pier, nor between the southern buoy and the south pier, as the rubble bases of both piers extend much further seaward than the piers themselves.

By Direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 31st August 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 71*c* & *d*, 828, 70*a* and 748*b*.

INDIAN MARINE SURVEY Charts, Nos. 105, 15*b* and 103*a*, also Taylor's Sailing Directory, Vol. I, page 458.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATION.

Mussoorie, the 27th August 1880.

No. 189.—Mr. H. Corkery, Assistant Surveyor, 3rd Grade, is granted privilege leave for one month, with effect from such date as he may be able to avail himself thereof.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 31st August 1880.

No. 10.—Mr. W. H. Penrose, Assistant Surveyor, 2nd Grade, is granted privilege leave for two months, under Section 13, Supplement F, of the Civil Leave Code, with effect from 5th September next.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 22nd August 1880.

No. 10.—The Agent to the Governor General for Biluchistan, subject to confirmation by the Government of India, appoints Major E. D. O. Twemlow, R.E., as Executive Engineer on special duty on the line of communication beyond Chaman.

Lieutenant R. H. Jennings, R.E., and Lieutenant J. Kellie, R.E., to be Assistant Engineers under Major Twemlow.

Lieutenant Jennings to carry on his political duties in addition to assisting Major Twemlow.

Mr. P. P. Dease will receive charge of the Executive Engineer's Office, Biluchistan Division, during the absence of Major Twemlow, or till further orders.

T. F. DOWDEN, *Major, R.E.,*
Offg. Secy. to Agent to Govr. Genl., for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATIONS.

Mount Abu, the 26th August 1880.

No. 2375 S.—Mr. Bhagat Singh, Assistant Engineer, 2nd Grade, attached to the Ajmere Division of the Public Works Department, is granted privilege leave of absence for twenty days from the 23rd instant, or from such subsequent date as he may avail himself of the same.

The 28th August 1880.

No. 2409 S.—Mr. Bhagat Singh, Assistant Engineer, 2nd Grade, attached to the Ajmere Division of the Public Works Department, availed himself of the twenty days' privilege leave of absence granted to him in this Administration Notification No. 2375 S, dated 26th August 1880, from the afternoon of the 23rd idem.

By Order,

J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General, and Chief Commr., in the P. W. D., Rajputana.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 24th August 1880.

No. 37.—Mr. F. G. B. Fox, Assistant Engineer, passed the Higher Standard in Hindustani on 5th July 1880.

The 25th August 1880.

No. 38.—ERRATUM.—In Inspector General's Notification No. 31, dated 14th July 1880, for "Assistant Engineer, 1st Grade (temporary rank)," read "Assistant Engineer, 2nd Grade."

The 27th August 1880.

No. 39.—Lieutenant A. C. Bruce, R.E., Assistant Engineer, on return from field service, is posted to the Sirhind and Lahore Command, Military Works.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 26th August 1880.

No. 16.—Mr. P. Duncan, Assistant Engineer, 1st Grade, Indus Valley State Railway, passed the Departmental Standard Examination in Hindustani on the 5th August 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 24th August 1880.

No. 116.—Mr. E. W. Arundell, Assistant Engineer, 1st Grade, is transferred from the Rathial-Pindi Section of the Punjab Northern State Railway to the Pindi Junction to Peshawar Section of the same line, with effect from 16th July 1880.

The 26th August 1880.

No. 117.—With reference to Public Works Department Notification No. 287, dated 24th instant, Baboo Gujadhar Lall, Store-keeper, 2nd Grade, is posted to the Western Rajputana State Railway, Northern Section.

The 27th August 1880.

No. 118.—Mr. R. Davis, Assistant Engineer, 1st Grade, is, on return from furlough, posted to the Nimach-Nasirabad State Railway, Southern Section.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

Pachmarhi, the 17th August 1880.

Sealed tenders are invited on a schedule of rates for the construction of the above Railway to join the city of Bhopal with the Great Indian Peninsula Railway at Itarsi station. The conditions of contract, specification and drawings can be seen at the Office of the Engineer-in-Chief, at Pachmarhi, Central Provinces, where forms of tender and all other necessary information can be obtained.

The work will be divided into four sections as under:—

I.—Itarsi to River Nerbudda.
II.—Nerbudda Bridge.
III.—The Ghat Incline.
IV.—From head of Ghat Incline to Bhopal.

The Government of India (with whom the acceptance of tenders rests) do not bind themselves to accept the lowest or any tender, nor to give to any contractor more than one section of the work.

The tenders are required by the 30th September next.

The following sums must accompany tenders as earnest money, to be returned on rejection of tenders, and to be forfeited in case of non-fulfilment of accepted tenders, *viz.*:—

For Section	I	Rs.	300.
"	II	"	600.
"	III	"	1,000.
"	IV	"	700.

H. T. GEOGHEGAN,
Engineer-in-Chief, Bhopal State Railway.

INDUS VALLEY STATE RAILWAY.

NOTIFICATION.

Mooltan, the 18th August 1880.

No. 40.—This Office Notifications Nos. 136 and 137, dated 26th June 1878, are cancelled.

R. T. MALLET,
Engineer-in-Chief.

KANDAHAR STATE RAILWAY, Harnai and Gulistan Sections.

NOTIFICATIONS.

Quetta, the 13th August 1880.

No. 38.—Captain F. W. Joseph, B.S.C., Executive Engineer, 2nd Grade, posted to this line in Director General of Railways' Notification No. 101, dated 17th July 1880, reported his arrival at Sibi on the afternoon of 23rd July 1880.

No. 39.—Major M. J. Macartney, R.E., Executive Engineer, 1st Grade, transferred to Public Works Department, Beluchistan, in Government of India Notification No. 158, dated 11th June 1880, was relieved of his duties on this line on the afternoon of 19th July 1880.

No. 40.—Mr. C. V. MacIvor, Executive Engineer, 3rd Grade, is granted an extension of privilege leave for twenty-four days in continuation of that granted in Kandahar State Railway Notification No. 26, dated 29th May 1880.

No. 41.—The following Officers temporarily transferred in Public Works Department Notification No. 250, dated 30th July 1880, to Military Department for field service, were relieved of their duties on this line on the dates specified against their names:—

Lieutenant-Colonel J. G. Lindsay, R.E., Superintending Engineer, 1st Class (temporary rank),—3rd August 1880, afternoon.

Lieutenant W. W. B. Whiteford, R.E., Executive Engineer, 4th Grade,—2nd August 1880, forenoon.

Lieutenant C. F. Fuller, R.E., Executive Engineer, 4th Grade (temporary rank),—2nd August 1880, afternoon.

Lieutenant W. W. Robinson, R.E., Executive Engineer, 4th Grade (temporary rank),—5th August 1880, forenoon.

Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade,—2nd August 1880, afternoon.

Lieutenant J. Neville, R.E., Assistant Engineer, 1st Grade,—6th August 1880, afternoon.

Lieutenant S. S. E. Hickson, R.E., Assistant Engineer, 2nd Grade,—2nd August 1880, afternoon.

No. 42.—Mr. A. Bewley, Assistant Engineer, 2nd Grade, transferred to this line by the Director General of Railways, reported his arrival on the forenoon of 30th June and is posted to the Nari Division.

R. N. HODGES,
for *Engineer-in-Chief.*

PUNJAB NORTHERN STATE RAILWAY,
Pindi Junction to Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 27th August 1880.

No. 29.—Mr. J. Hogan, Assistant Engineer, 1st Grade, is granted four days' privilege leave in extension of leave granted in Notification No. 26 of 21st August 1880.

No. 30.—Mr. J. Hogan, Assistant Engineer, 1st Grade, reported his return from privilege leave on the forenoon of the 23rd instant.

No. 31.—Mr. J. Hogan, Assistant Engineer, 1st Grade, is transferred from the Attock Bridge Division to the Peshawar Division.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Agra, the 1st September 1880.

No. 17.—Mr. J. R. Tickell, Assistant Engineer, 2nd Grade, is granted three months' leave to study the native languages, under Chapter II, Section ii, paragraph 27, of the Public Works Department Code, with effect from the 10th August 1880.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act VI of 1878, that, on the 2nd August 1880, treasure, consisting of Pons valued at Rs. 3,468-0-6, were found in the premises of the bungalow belonging to Thavasimuthu Nadar of Porayai, in the village of Vallam, Tanjore Taluq, Tanjore District, Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Tanjore, at his office, on the 19th January 1881, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

FORSTER WEBSTER,
Collector.

TANJORE COLLECTOR'S OFFICE,
VALLAM;
The 12th August 1880.

Report of a Deserter from the 21st Regiment attached to the 68th Light Infantry, dated at Meean Meer, this 27th day of August 1880.

Name,—John Francis Hayden.
Age,—21 years 3 months.
Size,—5 feet 7½ inches.
Color of—
Complexion, sallow; Hair, dark brown; Eyes, blue.
Peculiar marks by which his identity may be ascertained,—Not known.
Date of Desertion,—26th August 1880.
From whence Deserted,—Meean Meer.
Date of Enlistment,—27th June 1877.
Place of Enlistment,—Edinburgh.
Parish where Born,—Nenagh.
County,—Tipperary.
Former Trade or Occupation,—Clerk.
Dress at the time of Desertion,—
Coat or Jacket,— } White Uniform.
Waistcoat,— ...
Breeches or Trowsers,— ...
REMARKS, stating any particular circumstances attending his Desertion,—None.

A. H. TUCKER, *Lieut.-Col.,*
Comdg. 68th Light Infy.

Statement of the Affairs of the Bank of Bengal for the week ending 31st August 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,615	0	0
	Rs. A. P.			
Public Deposits at Head Office	65,00,130 1 5	2,58,71,309	14	4
Public Deposits at Branches	1,93,71,179 12 11			
Other Deposits at Head Office and Branches		2,95,09,233	1	5
Bank Post Bills, &c.		4,63,883	7	3
Sundries		10,92,110	15	0
RUPEES		7,92,26,152	6	0

ASSETS.		Rs.	A.	P.
Government Securities		1,36,36,696	0	0
Loans on Government Securities, &c., at Head Office and Branches		63,94,772	9	7
Accounts of Credit on Government Securities, &c., at Head Office and Branches		44,70,793	5	11
Bills discounted and purchased at Head Office and Branches		1,47,68,333	0	9
Balances with other Banks		5,59,537	2	8
Bullion		52,095	2	11
Dead Stock		10,58,216	6	7
Stamps		8,649	7	0
Sundries		3,92,116	2	2
		4,13,41,209	5	7
	Rs. A. P.			
Cash and Currency Notes at Head Office	1,40,99,475 4 8	3,78,84,943	0	5
Cash and Currency Notes at Branches	2,37,85,467 11 9			
RUPEES		7,92,26,152	6	0

BANK OF BENGAL,
Calcutta, 2nd September 1880.

By order of the Directors,

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Aug. 23	...	1,13,873	10	...	48,63,008	18,15,605
„ 24	...	1,23,272	...	...	47,73,039	16,99,624
„ 25	...	34,411	...	...	46,76,473	16,67,372
„ 26	...	40,697	...	...	45,79,777	16,29,151
„ 27	...	57,742	...	...	45,80,901	15,73,393
„ 28	Holiday.					

CALCUTTA MINT,
The 30th Aug. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 2nd September 1880... Rs. 1,10,30,651-15-3

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 3rd September 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
207	... D 17—02655	50	Birjlall Singh, Saharunpur.
	„ —02658	50	
208	... D 9—75609	1,000	Alopee Deen Talee, Peepulgaon, Allahabad.
	„ —75610	1,000	

ALLAHABAD,
The 1st September 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
185	... O 69—03486 ...	100	Babu Rajoni Cant Das.
186	... L 84—62639 ...	100	Messrs. Williamson, Magor and Co.
187	... O 81—08494 ...	10	Babu Ram Gati Adhicary.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
204	... O 31—60424 ...	50	Mr. E. Saupin.
205	... O 59—49266 ...	20	Babu Mohendra Lal Dutt.
206	... L 30—33139 ...	5	Babu Annada Kumar Dhole.
207	... O 30—55648 ...	50	A. R. S. V. Palaneappa Chetty.
208	... O 80—63108 ...	10	Babu Obhoy Churn Mittra.
	O 37—48790 ...	5	
209	.. O 68—44234 ...	100	Revd. T. S. Wynkoop.
	O 59—88203 ...	20	
210	... O 77—72916 ...	10	Mrs. R. Hainworth.
211	... O 53—29131 ...	10	Mr. J. Williamson.
	„ —29132 ...	10	
	„ —29151 ...	10	
	„ —29152 ...	10	
	„ —29154 ...	10	
124	... L 56—32572	5	Mr. G. H. Simmons.
	„ —32573		
125	... O 68—05810	100	Major D. Chatterton.
	„ —05848		
126	... L 55—95225	5	Premjee Dharumsey.
	„ —95222		

CALCUTTA,
The 3rd September 1880.

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 13—47176 *	5	Miss E. Seaburn, Kurrachee.
„ —47179 *		

* Mismatched.

KURRACHEE,
The 25th August 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
116	... E 16—79543 ...	10	Keria Lal, Poosa, Tirhoot.
119	... E 3—94121 ...	100	Jea Lal, Campbellpur.
120	... E 1—45318 ...	1,000	Sukh Dial and Niranjan Das, Rawalpindi.
121	... E 17—29967 ...	20	Bepin Behary Chatterjee, Calcutta.
30	... E 16—62528	10	Jea Lal, Campbellpur.
	„ —62538		

LAHORE,
The 27th August 1880.

H. J. BRERETON,
Offg. Depy. Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
40	... B 61—14051 ...	50	Subba Rao, late Judicial Record-keeper, Deputy Commissioner's Office, Shimoga.
41	... B 57—75996 ...	20	M. Srinivasa Rao, New Permanent Way Inspector, Rayalcheru, Bellary District.
42	... B 61—53400 ...	50	V. L. Narayanayya, Municipal Office, Madras.
	„ —53645 ...	50	

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
94	... B 41—14243 ...	10	Messrs. F. D'Netto & Co., Popham's Broadway, Madras.
95	... B 47—09627 ... B 60—38231 ... B 57—68973 ...	5 10 20	V. Sampangi Mudali. No. 16, Nallanna Mudali Street, Chenga Bazar, Madras.
96	... B 62—92365 ... „ —92366 ...	100 100	Ragadada Nanjya, residing at Thyamagundla, Nelarangala Taluk, Bangalore District.
97	... B 60—34559 ...	10	A. Krishnaswami Aiyangar, B.A., District Munsif, Tumkur.
98	... B 60—70988 ...	10	T. Sundara Rao, Head Clerk, Salt Commissioner's Office, Madras.
99	... B 60—50845 ...	10	S. Gopala Chari, High Court Vakil, Mailapur, Madras.
100	... B 61—49127 ... B 62—69590 ...	50 100	Framji Pestonji, 6, South Parade, Bangalore.
101	... B 61—17647 ... „ —41398 ...	50 50	Hijaji Papia, Merchant, Dodballapur, Bangalore District.

FORT SAINT GEORGE,
The 23rd August 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl.,
in charge of Paper Currency Dept.,
for *Commissioner.*

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No. 1880-81.	No. of Note.	Value. Rs.	Name of Claimant.
H11	... F 7—74153 ...	10	Messrs. Bapty Brothers, East India Flour Mills, Bombay.

NAGPUR,
The 30th August 1880.

H. G. COWIE,
Depy. Commr. of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd September 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	11th Sept.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	6th „	Str. *Chanda.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viá* Hong-Kong for Yokohama; also for Australian Colonies .	6-30 „	7th „	From Bombay.
Foreign Mails *viá* Bombay . .	6-30 „	8th „	From Bombay.
Do. Book post and pattern packets	6-30 „	7th „	From Bombay.
Rangoon, Moulmein and Straits .	6-30 „	9th „	Str. *Purulia.**
Chittagong, Akyab Kyouk Phyoo, and Rangoon	6-30 „	10th „	Str. *Madras.*
Persian Gulf	6-30 „	4th „	From Bombay.

* Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 2nd September 1880.

Ackril, C.
Anvil, Lieut.-Col. T.
Bampton, Mrs.
Basler, G. C.
Barrett, A. (Gunner.)
Barr, H.
Barry, Mrs.
Barnes, Mrs. H.
Bartram, W.
Barclay, J. F.
Beecher, E.
Bennett, J. W.
Brown, S.
Burgess, Miss.
Burton, Mrs. J.
Carson, T.
Casters, T.
Caundoo, M. C.
Chater, Miss F.
DeSouza, R. E.
Decosta, A.
Debendro Chundra Bose.
Dick, H. P.
Douglas, R. H.
Drabarg, T.
Dadman, E. H.
Easan, J. G.
Edwards, J. A. W.
Eden, F. W.
Edwards, G. H.
Elliott, W. A.
Elliot, J. L.
Elloy, H. A.
Gomes, J. T.
Grant, Mrs. E. A.
Greene, Randal S.
Gunga Churn Paulit.
Hastings, Mrs. F. B.
Haigh, Spencer.
Jones. Mrs.
Jackson, C. G.
Ketter Mohun and Sons & Co.
Kerr, C. C.
La[illegible]a Roller & Co.
Logen, Captain.
Lewis, Mrs. E.
[illegible]lands, A.
[illegible], William.
[illegible], L. C.
[illegible], Master E. S.
Pereira, Mrs. L.
Rallings, Mrs. M. E.
R[illegible]son, J.
Roston, L. W.
Salomon, Mrs.
Saunders, S.
Shields, Mrs. Ann.
Smith, A. M. O.
Soull, Henry.
Stewart, Mrs. D. J.
Tucker, W. F.
Thomas, Miss D'Estille.
Tapo Dhun Batter-charjee.
Walter, C.
Wells, T. William.
Wilson, W. J.
Wood, Lieut. W.
Young, I. M.

Letters marked " Care of Post Office, to be kept till called for."

Andrews, S. J.
Anson, Capt.
Bailly, Harris.
Barker, T. W.
Birch, E. S.
Blair, T.
Blackton, T. W.
Brown, Miss Mary.
Byford, H.
" Carlos."
Caller, Monsieur L.
C. G. C.
Coombs, J. W.
Cooper, J.
Crowlie, E. T.
Deseso Conte.
Dienysius, Haddens.
Dargus, C.
Evans, J.
Gomes, J.
Griffin, W. H.
Hancock, Mrs.
Hayward, Miss Isabella.
Hamill, James.
Hewett, Lt. W. T.
Hopekirk, William.
Innis, G. R.
Jackson, W.
Kalser, August.
Kark, Mrs. E.
Kelly, F. J.
Littlewood, J. H.
Michael, G.
Miller, Mrs. Annie.
Murdoch, Mrs. F.
Ottley, Captain J. W.
Paul, R. C. (Searcher-General.)
Perks, M. J.
Priscilla, R.
Prendergast, Mrs. C. L. T. F.
Rae, William.
Reid, R.
Roe, Lt. R. J.
Rourke, G.
Schemidt, C.
Seecunder.
Sher Shah, Moonshe.
Silvestri, Signore E.
Smith, B.
Smith, Douglas.
Smith, W.
Sterling, William.
Stuart, F.
Strathmore, Miss W.
Sutton, Rev. G.
T. F.
Temple, Miss E.
Thompson, W.
Thomson, John.
Usborne, W.
Wall, W. M.
Warde, Mrs.
Wight, C. F.
Willie.
X. Y. Z.

Newspapers.

Andrews, S. S.
Crowlie, E. T.
Innis, G. R.
Prendergast, Mrs.
Wilson, J. H.

Registered Letters.

Dubus, E. E.
Gasper, C. G.
Kureem Alli, Sub-Surveyor.
Megam, Peter.
Pinto, J. A.
R. Claro.
Sura Hena.
Warbett, Esq.

E. C. GEORGE,
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Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. By R. C. Carrington, F.R.A.S., Marine Survey of India, 1879. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. Compiled by R. C. Carrington, Marine Survey of India, 1879. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Mergui Archipelago. *Annas 4. (Cancelled; superseded by Notice No. 8).*
„ 3. Junkseylon and adjacent Islands. *Annas 4. (Cancelled; superseded by Notice No. 18.)*
„ 4. False Point Harbour. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour. *Annas 4.*
„ 13. Red Sea Navigation. In shore Passages. *Annas 4.*
„ 14. Red Sea. *Annas 4.*
„ 15. South Indian Ocean. Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast, *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg.
„ 18. Coast of Siam, including Junkseylon and adjacent islands.
„ 19. Africa, East Coast, Pemba Island and Adjacent Coast.
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad.
„ 21. Arabian Coast, Ras Matbakh.

Notices to Mariners.

Notices issued during the year 1879.

Price, Anna 1 each:—

No. 1. Permanent Moorings for Eastern Channel Light-vessel entrance to Hooghly River.
„ 2. Sunken danger in Mergui Archipelago.
„ 3. Revolving Light at Vakalapudi in the Godavery District.
„ 4. Intended alteration in False Point Light.
„ 5. Shifting of the entrances to Honore (Honawar) and Mangalore on the Malabar Coast.
„ 6. Fixed Light at Roji (Nowa-Nugga) in the Gulf of Cutch.
„ 7. Fixed Light at the entrance to Toona Creek in the Gulf of Cutch.
„ 8. Fixed Light at Goapnath Point in the Gulf of Cambay.
„ 9. Wreck-marking vessels.
„ 10. The alteration in the position and improvement of Pooree Port Light.
„ 11. Shoal Coral Ground in Strait of Banka.
„ 12. Delagoa Bay.—Removal of Cockburn Light-vessel in Bad Weather.
No. 13. (1) Alteration in position of Beacons and Leading Lights—Burnett River Entrance, Australia. (2) Fixed Light on Flap-Top Islet—Pioneer River—Rocky Islets. (3) Revolving Light on Low Isles—Trinity Bay. (4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
„ 14. Sunken dangers between Alguada Reef and Diamond Island—Bay of Bengal.
„ 15. Flashing White Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the Southernmost of the Brothers Islands—Andaman Islands.
„ 17. Australia—South-coast. Gulf of St. Vincent. (1) Prohibited Anchorage near Telegraph cable. Port Phillip. (2) Buoys marking Battery Practice Range at Williams Town. (3) Fixed and Flashing Light on North Reef.
„ 18. Longitude of the Time Ball, Calcutta, and of Saugor Light-House, River Hooghly.
„ 19. (1) Discontinuance of additional Light at fourth Point—Sunda Strait—Java.
(2) Shoal in the Fairway to Batavia Road.
(3) Fixed Light on Meinder's Reef—Madura Strait.
„ 20. (1) Shoal ground westward of Durnford Point—Africa, South Coast.
(2) Distinguishing features marking the Entrance to Tugela River.
(3) Ditto, Entrance to Umhloti River.
„ 21. Buoys off Carwar Harbour (Sedashigar).
„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
(2) Harbour Light at St. Pierre.
„ 23. Buoys off Carwar Harbour (Sedashigar).
„ 24. Buoys and Beacons. Zanzibar Harbour.
„ 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey.
„ 27. Change in the anchorage limits of the Port, Madras.
„ 28. Intended discontinuance of Light at El-Weg (Sherm Wej-h), Red Sea.
„ 29. Interval of intended exhibition of Blue Lights on Rockets at False Point Light-house.
„ 30. Replacing of the Buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticaloa.
„ 33. Black Buoys laid down in Calicut Roadstead to mark the limits of Foul Ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the Buoys off Carwar Harbour (Sedashigar).
„ 36. Telegraph Buoy, south of Aden.
„ 37. Black Buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a Leading Light in Suez Bay.
„ 40. Madras Semaphore.
„ 41. Black Buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to River Hooghly.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the ed Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons rom the Light-vessels of the Hooghly River.

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CALCUTTA, SATURDAY, SEPTEMBER 11, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

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ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.—The under-mentioned Estates having come under charge of this Office, all persons having claims upon, being indebted to, or holding property belonging to the said Estates, are requested to place themselves in immediate communication with the undersigned:—

John Holden, of Umballa, formerly an Apothecary in Her Majesty's 63rd Regiment, died at Umballa, on the 3rd February 1880.

Harry Burgoyne Condon, Assistant Conservator of Forests in Assam, at Gowhati, on the 11th February 1880.

Edward Stanford Andrew, Sub-Divisional Officer at Contai, in the District of Midnapore, at Midnapore, on the 14th April 1880.

James Sanderson, of Jaipur in Assam, a Tea Planter, at Jaipur, on the 15th January 1875.

William Frederick Hennell, Lieutenant in the Bengal Staff Corps, at Candahar, on the 21st July 1879.

Robert John Bagshaw, of Dover Court, in the County of Essex in England, Esquire, in England, on the 14th August 1878.

William Henry Fluker, Agent of the Agra Branch of the Bank of Bengal, at Mussoorie, on the 16th June 1880.

James Cruickshank Geddes, Bengal Civil Service, at Mozufferpore, on the 9th March 1880.

Andrew Stackpool Parkinson, Lieutenant in the 73rd Regiment of Foot, at Lucknow, on the 6th January 1880.

Louis Ramey, Indigo Planter, residing at Panchooria Factory, near Goalundo, in the District of Furreedpur, at Panchooria Factory, on the 3rd November 1879.

Miss Mary Lundie, of Kingston-upon-Hall in England, in England, on the 25th April 1879.

Haji Ismail Haji Hubib Memon, Mahomedan inhabitant of the Town of Bombay, at Bombay, on the 19th August 1878.

Robert Henry Bolton, Surgeon-Major in the Army Medical Department, at Candahar, on the 27th February 1880.

William Henry Pettit, Manager of the Brick-making works of Mr. H. Pitman, Contractor at Khanpur, in the Bhawulpur State, near Mooltan, on the 8th March 1878.

John David Bell, Barrister-at-Law and Standing Counsel to Government, at Calcutta, on the 15th August 1880.

In the following Estates certificates have been granted by the Administrator General under Section 36 of Act II of 1874 :—

All persons having claims upon, being indebted to, or holding property belonging to the said Estates, are requested to communicate with the persons to whom the certificates have been granted :—

Joseph George Carter, Signaller in the Government Telegraph Department, at Lahore, at Lahore, on the 15th April 1880. Certificate granted under Section 36 of Act II of 1874 to the widow of the deceased.

William Hugh Jameson, Surgeon-Major in the Army Medical Department of Her Majesty's Service, at Caistor, in the County of Lincoln, on the 14th April 1879. A like certificate granted to Mr. Alfred Edmund Harriss, of No. 6, Hastings Street, in the Town of Calcutta, constituted Attorney of Mr. James Spowart Beveridge, one of the Executors in England.

William Johnson, Engine-driver in the service of the Oudh and Rohilcund Railway Company. A like certificate granted to Ellen Johnson, widow of the deceased.

Stevenson Eden Walker, Pilot, in the service of the Government of Bengal, at the Sandheads, on the 25th July 1880. A like certificate granted to Louisa Marian Walker, widow of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 1st September 1880.

BANK OF BENGAL.

NOTICE.

Calcutta, the 1st September 1880.

The Directors have made the following changes in the Bank's Establishment :—

Mr. A. MacBean has been appointed Agent at Benares, *vice* Mr. Slater.

Mr. P. D. Harrison, Accountant at Hyderabad, has been granted six months' leave.

R. HARDIE,
Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATION.

Mussoorie, the 6th September 1880.

No. 190.—Mr. J. Low, Surveyor, 2nd Grade, is granted leave on medical certificate, under Section 4, Supplement F of the Civil Leave Code, from the 1st June to 4th July last, both days inclusive.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

ACCOUNTANT GENERAL'S OFFICE; Public Works Department.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 7th September 1880.

No. 10.—With reference to Government of India, Public Works Department, Notification No. 291, dated 3rd August 1880, Mr. R. G. Macdonald, Assistant Accountant General, Public Works Department, availed himself of three months' privilege leave from the forenoon of the 28th August 1880.

A. J. FILGATE, *Major, R.E.,*
Offg. Acctt. Genl.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 30th August 1880.

No. 11.—Lieutenant W. H. Chippindall, R.E., Executive Engineer, 4th Grade (temporary rank), in the Pishin Division, made over, and Lieutenant F. B. G. D'Aguilar, R.E., Executive Engineer, 4th Grade (temporary rank), received, executive charge of the Pishin Division on the afternoon of the 19th June 1880.

R. G. SANDEMAN, *Major,*
Secy. to Agent to Govr. Genl., for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 7th September 1880.

No. 18.—Central India Notification No. 15, dated 3rd August 1880, referring to Mr. R. E. Nelson's reversion from Executive Engineer, 4th Grade (temporary rank), to Assistant Engineer, 1st Grade, is cancelled under orders from the Government of India dated 26th idem.

No. 19.—Major G. R. Gibbs, Executive Engineer, 2nd Grade, is appointed Executive Engineer, Northern Road Division, of which he received charge from Mr. H. F. White on the afternoon of the 19th August 1880.

No. 20.—With reference to Government Notification No. 253 of the 4th August 1880, Major E. Swetenham, Executive Engineer, 1st Grade, was relieved of his duties on the afternoon of the 17th August 1880, on which date he made over charge of Mhow Division to Mr. R. E. Nelson, Executive Engineer, 4th Grade.

No. 21.—Mr. H. F. White, Executive Engineer, 1st Grade, is appointed Executive Engineer, Mhow Division, of which he received charge from Mr. R. E. Nelson on the afternoon of the 28th August 1880.

No. 22.—Mr. A. T. Goodfellow, Assistant Engineer, 1st Grade, Neemuch Division, has been granted one month's privilege leave from the afternoon of the 16th August 1880.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

PUBLIC WORKS DEPARTMENT— Military Works.

NOTIFICATIONS.

Simla, the 3rd September 1880.

No. 40.—With reference to Government of India, Public Works Department, Notification No. 275, dated 13th August 1880, Lieutenant H. L. Wells, R.E., Executive Engineer, 4th Grade (temporary rank), joined the Military Works Branch on 13th July 1880.

This cancels Inspector General's Notification No. 36, dated 18th August 1880.

The 3rd September 1880.

No. 41.—Lieutenant A. C. Bruce, R.E., Assistant Engineer, is transferred from the Sirhind and Lahore Command, Military Works, to the Head Quarters Staff of the Inspector General, Military Works, which he joined on the 1st September 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 1st September 1880.

No. 17.—Mr. E. C. Elliott, Assistant Engineer, 2nd Grade, Punjab Northern State Railway, Open Line Section, is transferred to the Salt Branch, Punjab Northern State Railway.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

Lucknow, the 8th September 1880.

With reference to Government of India, Public Works Department, Notification No. 292, dated 2nd September 1880, Mr. R. N. Burn, Deputy Examiner, 1st Grade, and Assistant Auditor, Oudh and Rohilkund Railway Accounts, availed himself of the three months' privilege leave on the forenoon of the 2nd September 1880.

R. DEBOURBEL, *Lieut.-Col., R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 31st August 1880.

No. 119.—Mr. H. J. Oddie, Assistant Engineer, 2nd Grade, is granted three months' leave on medical certificate, under Chapter IV, Section 23, of the Civil Leave Code, with effect from such date as he may avail himself of it.

The 4th September 1880.

No. 120.—Mr. J. Lloyd, Store-keeper, 1st Grade, is granted twelve months' furlough, under Supplement F, Section 8, of the Civil Leave Code, and subsidiary leave under Sections 34 and 35 of the same Code, with effect from the 15th September 1880, or such subsequent date as the leave may be availed of.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

EXTENSION OF TIME FOR TENDERS.

Pachmarhi, the 4th September 1880.

Tenders for the construction of this line will be received up to the **30th September.**

H. T. GEOGHEGAN,
Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 2nd September 1880.

No. 18.—With reference to Public Works Department Notification No. 282, dated 19th August 1880, Mr. I. Sherlock Hubbard, Deputy Examiner of Accounts, made over, and Mr. R. K. Williams, Examiner of Accounts, received, charge of the Accounts of the Indus Valley and (Open Line) Kandahar State Railways, on the afternoon of the 27th August 1880.

T. B. B. SAVI, *Captain, R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY, Pindi Junction to Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 1st September 1880.

No. 32.—With reference to Director General of Railways' Notification No. 111, dated 16th

August 1880, Mr. R. W. Roberts, Assistant Engineer, 2nd Grade, reported his arrival on the 28th instant, and is posted to the Peshawar Division.

No. 33.—With reference to Director General of Railways' Notification No. 278, dated 17th August 1880, Mr. F. L. O'Callaghan availed himself of the privilege leave granted him, and Captain T. Gracey, R.E., Engineer-in-Chief, Pindi-Kohat Section, received charge of the Office of Engineer-in-Chief, Pindi Junction to Peshawar Section, Punjab Northern State Railway, on the forenoon of the 1st September 1880.

The 6th September 1880.

No. 34.—Referring to Director General of Railways' Notification No. 119, dated 31st August 1880, Mr. H. J. Oddie, Assistant Engineer, 2nd Grade, availed himself of the three months' leave on medical certificate, on the forenoon of the 4th August 1880.

T. GRACEY, *Capt., R.E.,*
for *Engineer-in-Chief.*

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, about the 13th day of April 1880, certain treasure, *viz.*, 238 old Badshahi Rupees (whole and half), valued at about Rs. 147, was found in the village of Chinawal, Taluka Sowda, of the Khandesh Collectorate, in the Bombay Presidency.

All persons claiming the said treasure or any part thereof are hereby required to appear personally, or by agent, before the Collector of Khandesh, on the 24th January 1881, at his camp, when he will proceed to hold an enquiry in accordance with the provisions of the Act.

———,
Acting Collector of Khandesh.

DHULIA,
September 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on General Treasury.	Certificates issued on Currency Department.	Balance of Bullion Under Assay.	Balance of Bullion Assayed.	Balance of Bullion Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Aug. 30	13,938	1,47,205	...	13,938	44,93,586	14,35,830
" 31	10,33,041	2,10,379	...	10,46,979	44,09,616	12,38,603
Sept. 1	...	78,340	...	10,46,979	43,16,503	11,65,152
" 2	...	28,694	...	10,46,979	41,21,185	11,38,231
" 3	...	1,60,244	...	10,46,979	39,34,602	9,87,984
" 4	...	1,32,468	11,870	10,33,086	38,59,722	8,77,550

CALCUTTA MINT,
The 6th Sept. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 9th September 1880... Rs. 1,02,70,126-15-3.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 10th September 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 7th September 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,515	0	0
Public Deposits at Head Office (Rs. 59,52,833 14 0)	3,09,46,838	0	8
Public Deposits at Branches (Rs. 2,49,94,004 2 8)			
Other Deposits at Head Office and Branches	2,86,66,028	15	6
Bank Post Bills, &c.	5,20,521	14	1
Sundries	11,34,771	4	10
RUPEES	8,35,57,675	3	1

ASSETS.	Rs.	A.	P.
Government Securities	1,31,34,405	2	0
Loans on Government Securities, &c., at Head Office and Branches	62,47,296	2	5
Accounts of Credit on Government Securities, &c., at Head Office and Branches	42,21,700	14	5
Bills discounted and purchased at Head Office and Branches	1,48,20,565	2	10
Balances with other Banks	5,34,689	11	8
Bullion	3,76,203	3	11
Dead Stock	10,64,513	10	2
Stamps	8,751	8	11
Sundries	3,69,472	12	6
	4,07,77,598	4	10
Cash and Currency Notes at Head Office (Rs. 1,45,41,763 13 5)	4,27,80,076	14	3
Cash and Currency Notes at Branches (Rs. 2,82,38,313 0 10)			
RUPEES	8,35,57,675	3	1

By order of the Directors,

BANK OF BENGAL,
Calcutta, 9th September 1880.

J. GORDON,
Chief Accit. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 31st August 1880.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	June 1880	Aug. 19, 1880
2	Military Works Branch	Ditto	Do. 20, "
3	Port Blair	Ditto	Do. 21, "
4	Bengal	ditto	Do. 24, "
5	Central Provinces, Rajputana	Ditto	Do. 25, "
	Quetta Agency, North-Western Provinces and Oudh.		
8	Punjab, Coorg, Central India, Mysore	Ditto	Do. 26, "
13	Hyderabad (Imperial), Hyderabad Assigned Districts.	Ditto	Do. 27, "
15	Madras	Ditto	Do. 31, "
17	British Burmah, Bombay	May 1880	Do. 10, "
	TELEGRAPH.		
1	Indo-European	June 1880	Aug. 27, 1880
2	Indian	Ditto	Do. 30, "

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	June 1880	Aug. 16, 1880
2	Rajputana, British Burmah	Ditto	Do. 23, "
3	Punjab	Ditto	Do. 25, "
4	Bengal	Ditto	Do. 26, "
6	North-Western Provinces and Oudh.	Ditto	Do. 31, "
7	Madras	Ditto	Do. 10, "
8	Bombay	May 1880	
	GUARANTEED RAILWAYS.		
1	Bengal	June 1880	Aug. 18, 1880
2	North-Western Provinces and Oudh., Punjab	Ditto	Do. 30, "
4	Madras	May 1880	Do. 7, "
5	Bombay	Ditto	Do. 11, "

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley	June 1880	Aug. 16, 1880
2	Amritsar and Pathankote, Umballa and Kalka	Ditto	Do. 23, "
4	Indus Valley	Ditto	Do. 24, "
5	Holkar	Ditto	Do. 26, "
6	Mysore, Northern Bengal, Indore-Nasirabad	Ditto	Do. 27, "
7	Ujein and Bhopal, Kandahar		
11	Calcutta & South-Eastern State Railway Stores Branch.	Ditto	Do. 30, "
14	Kathiawar, Dhond and Manmad, Lala Moosa to Chak Nizam	Ditto	Do. 31, "
16	Muttra-Hathras, Cawnpore-Farukhabad, Ghazipur-Dildarnagar	May 1880	July 21, 1880
21	Bareilly-Pilibhit, Achnera-Muttra, Wardah Coal	Ditto	Do. 26, "
23	Nagpur-Chhattisgarh	Ditto	Do. 27, "
24	Punjab Northern, Nalhati	Ditto	Do. 28, "
25	Tirhoot	Ditto	Do. 30, "
26	Bombay, Eastern Deccan	Ditto	Aug. 2, 1880
27	Patna and Gya	Ditto	Do. 9, "
28	Rajputana	Ditto	Do. 12, "
29	Bihar and Karwar	Ditto	Do. 17, "
30	Sindia	Ditto	Do. 23, "
31	Western Rajputana (Northern Section).	Ditto	Do. 30, "
32	Western Rajputana (Southern Section).	Ditto	

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley	June 1880	Aug. 16, 1880
2	Calcutta & South-Eastern	Ditto	Do. 30, "
3	Northern Bengal	Ditto	Do. 31, "
5	Punjab Northern, Muttra-Hathras	May 1880	July 21, 1880
6	Holkar & Sindia-Nimach, Wardah Coal	Ditto	Do. 26, "
11	Nagpur-Chhattisgarh, Indus Valley, Dhond & Manmad, Nalhati, Tirhoot	Ditto	Do. 28, "
14	Patna and Gya, Rajputana, Sindia	Ditto	Aug. 10, 1880
16	Western Rajputana	Ditto	Do. 31, "

A. J. FILGATE, *Major, R.E.,*
Accountant General, P. W. Dept.

SIMLA,
The 7th September 1880.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th August 1880.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54.	4 PER CENT. LOANS										4½ PER CENT. LOANS													
		Of 1824-25.	Of 1825-26.	Of 1826-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	REDUCED 4 PER CENT. LOAN OF 1879.	Of 1870.	Of 1871.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS STERLING PER CENT. PORTION.	5 PER CENT. DEBENTURE FOR 15 YEARS, RE-PAYABLE JUNE 1882.	5 PER CENT. LOAN 1856-57.	5½ PER CENT. LOAN OF 1858-60.	TOTAL AMOUNT.
Balance of 31st July 1880	54,100	38,506	2,346	15,46,880	30,93,100	2,46,00,000	1,10,72,900	1,82,78,000	3,08,08,200	47,95,400	4,45,500	97,18,800	8,63,73,400	1,01,700	34,36,000	65,800	1,33,200	19,46,64,532
Add—																		
Amount enfaced at Madras between 1st and 15th August 1880	...	...	...	...	...	...	...	...	2,000	...	...	...	4,500	...	...	...	...	6,500
Amount enfaced at Bombay between 1st and 15th August 1880	...	...	...	...	...	300	...	...	...	...	...	6,000	26,700	...	...	...	...	33,000
Amount enfaced at Calcutta between 1st and 15th August 1880	...	...	...	...	...	2,500	31,500	3,500	13,400	15,700	...	400	3,09,500	...	...	...	...	3,73,500
	54,100	38,506	2,346	15,46,880	30,95,600	2,46,31,800	1,10,76,100	1,83,91,400	3,08,23,900	47,95,400	4,45,500	97,35,200	8,67,19,100	1,01,700	34,36,000	65,800	1,33,200	19,50,82,532
Deduct—																		
Amount written off in the London Registers .	...	...	...	...	...	8,500	43,600	23,600	1,53,900	1,17,400	2,000	...	2,59,500	11,12,000	1,000	...	...	17,20,400
Balance on 15th August 1880	54,100	38,506	2,346	15,46,880	30,87,100	2,45,88,200	1,10,32,500	1,82,37,800	3,07,05,500	47,93,400	4,45,500	94,66,700	8,56,07,100	1,01,700	34,35,000	65,800	1,33,200	19,33,62,132

NOTE.—From 9th June 1867 to 15th June 1880, enfaced from India, 3,911 lakhs; re-transferred from London, 3,285 lakhs.

,, 16th ,, 1880 to 30th ,,	,, ,,	4 ,,
,, 1st July ,, to 15th July	,, ,,	3 ,,
,, 16th ,, ,, to 31st ,,	,, ,,	3 ,,
,, 1st Aug. ,, to 15th Aug.	,, ,,	4 ,,
		3,925 lakhs.
		9,340 ,,
Balance against London .		585 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 9th September 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W53	... M 39—06757 ...	1,000	Harjimal Kanji Mull, Bombay.
	,, —06856 ...	1,000	
W54	... M 43—32835 ...	100	Kunniah Lall, Delhi.
W55	... M 46—19460 ...	50	J. D'Souza, Junagarh.

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H131	... C 78—77800 ...	20	Mrs. M. Shanon, Bangalore.
H132	... M 47—38345 ...	10	Perozshaw Anderji, Kamptee.
H133	... M 9—23777 ...	5	J. C. Hobie, Poona.
	M 8—83843 ...	5	
H134	... M 50—73287 ...	50	Mrs. Holland, Allahabad.
M52	... M 37—88555	100	J. C. Hobie, Poona.
	,, —72819		
H135	... M 9—08750 ...	5	Balaji Vishnoo, Bombay.
H136	... M 35—54027 ...	50	Vanarsidass Dulabhdass, Burampore.
H137	... M 43—47834 ...	100	V. Fretwell, Bombay.
H110	... M 45—14072 ...	10	Dr. Fairweather, Calcutta.
M55	... M 34—30231	20	Kalliandass Kassidass, Bombay.
	,, —30232		

BOMBAY,
The 7th September 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
188	... O 31—84484	50	Jadu Mondle.
189	... O 24—51492 ...	20	Babu Prasanna Kumar Basu.
	O 55—74223 ...	20	
	O 56—56748 ...	20	
	O 58—93295 ...	20	
	O 59—44565 ...	20	
	,, —14308 ...	20	
	,, —00664 ..	20	
	,, —29491 ...	20	
190	... O 54—03020 ...	10	Babu Joy Gobind Shome.
	,, —08296 ...	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
212	... O 68—04101 ...	100	Babu Jogendra Nath Chaudhury.
213	... O 59—92373 ...	20	Srimati Mukta Kesi Debi.
214	... O 14—11454 ...	10	Babu Radha Kant Talukdar.
215	... O 67—29597 ...	100	Babu Sambhu Chunder Lahuri.
216	... O 59—99037 ...	20	Babu Prasanna Kumar Basu.
127	... L 55—95691 ...	5	The Chief Pay Master, E. I. Railway, Calcutta.
	,, —95692 ...		

CALCUTTA,
The 10th September 1880.

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
G 8—61215 ...	20	Mr. R. W. S. Pinhey, Kurrachee.

KURRACHEE,
The 3rd September 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
71	... E 15—54906 ...	50	Dr. J. Anderson, Peshawar.
	,, —54907 ...	50	
	,, —54908 ...	50	
	,, —54909 ...	50	
	,, —54910 ...	50	
	,, —54911 ...	50	
	,, —54912 ...	50	
	,, —54915 ...	50	
72	... E 15—56352 ...	50	Deena Nath Ghose, Cawnpur.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
76	... E 16—75442 ...	10	Lieutenant George Frend, Jellalabad.
	,, —75443 ...	10	
117	... E 17—23074 ...	20	Baboo Nabin Kishen Bose, Furreedpur.
125	... E 13—69995 ...	100	Behari Lal, Dharamsala.
126	.. E 13—73251 ...	100	Jamsetji Cursetji, Lahore.
	,, —70847 ...	100	
128	... E 15—71635 ..	50	Kullian Das, on behalf of Ghosita Mul, Wazirabad.
	,, —71636 ..	50	
109	... E 8—17373 ...	5	Lient. H. H. Rogers, Pewar Kotal.
	E 16—68842 ...	10	

LAHORE,
The 4th September 1880.

C. G. VANSITTART,
Asstt. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
43	... B 52—97203 ...	10	Revd. M. Packiam, Native Missionary, Shiyali.
44	... B 57—66869 ...	20	M. M. S. M. Muthumira Rowther & Co., Mutukaren Street, Madras.
	,, —79789 ...	20	
	,, —82725 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
102	... B 57—59519 ...	20	Mr. H. C. Carey, Suramangalam, Salem.
103	... B 60—32937 ...	10	Mr. W. Thomas, Vepery, Madras.
	,, —39824 ...	10	
104	... B 54—75953 ...	20	Sheikh Ilahi Bux, Residency Bazar, Indore.

FORT SAINT GEORGE,
The 30th August 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
H9	... F 10—74943 ...	100	Nemidass Narrainjee, Bombay.
H12	... F 8—70603 ...	20	Revd. Mr. T. S. Wynkoop, Allahabad.
H8	... F 7—84041 ...	10	Shrikrishna Ranchode, Kapudranj.

NAGPUR,
The 2nd September 1880.

GODREZJEE D. PUDUMJEE,
Offg. Asst. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 2nd September 1880.

An exchange of Money Orders between India and Ceylon has been arranged with effect from the 1st October 1880.

2. The conditions* applicable to Indian inland money orders will apply also to Ceylon money orders.

3. But the remitter, instead of getting an acknowledgment signed by the payee, as in the case of inland money orders, will get one signed by the Post Master of Madras.

* (1) The value of a money order may not exceed Rs. 150 and may not include the fraction of an anna.
(2) The same remitter will not be allowed to obtain in one day money orders for a sum exceeding Rs. 600 in the aggregate drawn on the same office or payable to the same person.
(3) The commission charged on the issue of money orders will be as follows :—

	Annas.
On sums not exceeding Rs. 10 ...	2
On sums exceeding Rs. 10 but not exceeding Rs. 25	4
For every additional Rs. 25 or fraction thereof, up to the limit of Rs. 150	4

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

Calcutta, the 20th August 1880.

Under authority from the Director General of the Post Office in India, it is hereby intimated that, on and after 1st October next, the limit of money orders drawn on Italy and Denmark will be raised from £10 to £20.

H. E. M. JAMES,
Offg. Post Master General, Bengal.

The 10th September 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	18th Sept.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 ,,	13th ,,	Str. *Malda.*
Madras and Ceylon	6-30 ,,	13th ,,	P. and O. Str. *Poonah.*
Foreign Mails *viâ* Bombay .	6-30 ,,	15th ,,	From Bombay.*
Do. Book post and pattern packets	6-30 ,,	14th ,,	From Bombay.
Rangoon, Moulmein and Straits .	6-30 ,,	16th ,,	Str. *Oriental.*
Chittagong, Akyab and Rangoon.	6-30 ,,	17th ,,	Str. *Commilla.*
Madras, Ceylon, Batavia, Singapore and China	6-30 ,,	17th ,,	Str. *Meinam.*
Straits and Hong-Kong . .	6-30 ,,	13th ,,	Strs. *Japan* and *Moray.*
Persian Gulf.	6-30 ,,	11th ,,	From Bombay.

* Also *viâ* Aden, Mails for Mauritius, Mahe, (Seychelles), Mayotte, Nosse Be and Réunion, can be forwarded.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 10th September 1880.

Abrey, W.
Aldham, Alfred C.
Anvil, Lieut.-Col. T.
Barclay, J. F.
Barlow, C.
Barnes, Mrs. H.
Barrett, A. (Gunner.)
Barry, Mrs.
Bartram, W.
Basler, G. C.
Bastien, W. E.
Beist, H.
Blanchard, Sidney.
Burgess, Miss.
Caundoo, M. C.
Charles, R. M.
Chater, Miss F.
Cock, John.
Debendro Chundra Bose.
Decosta, A.
Decruze, J.
DeSouza, R.
Doucett, T. R.
Douglas, R. H.
Eaidley, Miss Margaret.
Edwards, J. A. W.
Edwards, G. H.
Edwards, J. H.
Elloy, H. A.
Elliot, J. L.
Elliott, W. A.
Eskil, Esq.
Ewing, C.
Franky, —.
Fullam, J. P.
Gaynor, Mrs. S. A.
Gasper, W.
Grant, Mrs. E. A.
Greene, Randal S.
Greenway, G. W.
Haigh, Spencer.
Harvey, Miss M.
Higgins, William.
Hubbard, S. C.
Jenkins, Mrs.
Jennings, W. E.
Jones, Mrs.
Kent, W. F.
Ketter Mohun and Sons & Co.
King, James.
Latham Roller & Co.
Lee, Mrs. Geo.
Logen, Captain.
Lyell, Mrs.
Macdonall, A. C.
Manuel, L. E.
McMahon, Mrs.
Michael, M. G.
Mitchell, W. R.
Mulchus, M. C.
Muno Lal Dey.
Norton, Washington (Manager, Merry Makers.)
O'Sen, A. G.
Pereira, Mrs.
Pereira, J. H.
Radha Kissen Balmokund & Co.
Railings, Mrs. M. E.
Robson, Mrs.
Robinson, Mrs. E.
Roston, L. W.
Saunders, S.
Scott, E.
Short, J.
Sen, G.
Smith, A. M. O.
Soull, Henry.
Southon, W.
Stewart, Mrs. D. J.
Tapo Dhun Butter-charjee.
Taylor, Miss Kate.
Tucker, W. F.
Turner, Mrs. M.
Wade, Mrs.
White, R.
William, F.

Letters marked "Care of Post Office, to be kept till called for."

Andrews, S. J.
Anson, Capt.
Bailly, Harris.
Barker, T. W.
Blair, T.
Blackton, T. W.
Bryne, Joseph.
Byford, H.
Brown, Miss Mary.
Caller, Monsieur L.
"Carlos."
C. G. C.
Coombs, J. W.
Cooper, J.
Crowlie, E. T.
Deseso Conte.
Disnysius, Haddens.
Evans, J.
Garrick, D.
Gomes, J.
Griffin, W. H.
Hamill, James.
Hancock, Mrs.
Hayward, Miss Isabella.
Hewett, Lt. W. S.
Hopekirk, William.
Hunter, Oswald.
Innis, G. R.
Jackson, W.
Kalser, August.
Kark, Mrs. E.
Littlewood, J. H.
Macdonald, E. B.
Michael, G.
Miller, Mrs. Annie.
Murdoch, Mrs. F.
Ottley, Captain J. W.
Perks, M. J.
Prendergast, Mrs. C. L.
"Prescilla," R.
Phelps, Mrs. C. Harris.
Rao, William.
Reid, R.
Rishworth, J.
Roe, Lt. R. J.
Scheuidt, C.
Sher Shah, Moonshe.
Silvestri, Signore E.
Smith, Douglas.
Smith, W.
Sterling, William.
Stuart, F.
Strathmore, Miss W. T. F.
Temple, Miss E.
Thompson, W.
Usborne, W.
Wardo, Mrs.
Willie.
Wilson, Alex. S.
X. Y. Z.

Newspapers.

Andrews, S. S.
Crowlie, E. T.
Innis, G. R.
Prendergast, Mrs.
Wilson, J. H.

Registered Letters.

Beprodas Pal Chowdry.
Burch & Co.
"Charing Cross."
Dubus, E. E.
Gasper, C. G.
Kureem Alli, Sub-Surveyor.
Megam, Peter.
R. Clare.
Sara Hena.
Tune, C.

E. C. GEORGE,
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Vol.	XI.	Patna and Saran.
Vol.	XII.	Gaya and Shahabad.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 18, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

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E. J. DEAN,
Publisher, Gazette of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 8th September 1880.

Offices opened and closed during the month of August 1880:—

Name of Station.	Where situated.	Date.	REMARKS.
Bala Hissar	Afghanistan	10th	Closed.
Basawal	Ditto	30th	Ditto.
Butkak	Ditto	10th	Ditto.
Cabul	Ditto	10th	Ditto.
Gulistan Kares	Ditto	4th	Re-opened.
Gundamuck	Ditto	21st	Closed.
Jagdallak	Ditto	13th	Ditto.
Jellalabad	Ditto	26th	Ditto.
Kach	Ditto	16th	Ditto.
Kandahar	Ditto	10th	Ditto.
Lachipur	Ditto	28th	Ditto.
Latabund	Ditto	11th	Ditto.
Pezwan Kotal	Ditto	14th	Ditto.
Rozabad	Ditto	23rd	Ditto.
Seh Baba	Ditto	12th	Ditto.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 10th September 1880.

No. 42.—Major C. N. Judge, R.E., Executive Engineer, on return from field service, is posted to the Meerut Command, Military Works.

No. 43.—Lieutenant A. H. Kenney, R.E., Assistant Engineer, on return from field service, is posted to the Presidency and Oudh Command, Military Works.

No. 44.—Lieutenant J. A. Ferrier, R.E., Assistant Engineer, on return from field service, is posted to the Presidency and Oudh Command, Military Works.

No. 45.—Lieutenant H. W. Smith, R.E., Assistant Engineer, on return from field service, is posted to the Meerut Command, Military Works.

No. 46.—Lieutenant W. T. Shone, R.E., Assistant Engineer, on return from field service, is posted to the Sirhind and Lahore Command, Military Works.

No. 47.—Lieutenant G. K. Scott-Moncrieff, R.E., Assistant Engineer, on return from field service, is posted to the Sirhind and Lahore Command, Military Works.

No. 48.—With reference to Public Works Department Notification No. 37, dated 30th January 1880, Mr. S. A. L. Corrigan, C.E., Assistant Engineer, was relieved of his duties in the Military Works Branch on the forenoon of 25th August 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 15th September 1880.

With reference to the Notification of the Government of India, Public Works Department, No. 292, dated the 2nd September 1880, Mr. H. C. Barnes, Deputy Examiner of Accounts, was relieved of his duties in the Office of the Examiner of Railway Accounts, Calcutta, on the afternoon of the 11th instant.

F. S. TAYLOR, *Col., R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

Lahore, the 8th September 1880.

No. 18.—With reference to Government of India, Public Works Department, Notification No. 282, dated 19th ultimo, Messrs. R. K. Williams and I. S. Hubbard, respectively, made over and received charge of the Office of Examiner of Guaranteed Railway Accounts, Lahore, on the afternoon of the 30th August 1880.

The 9th September 1880.

No. 19.—Mr. G. L. Edwards, Assistant Locomotive Superintendent, Indus Valley State Railway, is granted three months' special leave without allowances, in extension to the eight months' leave granted in this Office Notification No. 5, dated 3rd April 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 9th September 1880.

No. 121.—Mr. C. L. Biscoe, Assistant Traffic Superintendent, is transferred from the Open Line to the Rathial-Pindi Section of the Punjab Northern State Railway, *vice* Mr. J. H. Allen, Assistant Traffic Superintendent, transferred to the Open Line.

The 10th September 1880.

No. 122.—Lieutenant H. Finnis, R.E., Assistant Engineer, 1st Grade, is, on return from field service, posted to the Pindi Junction to Peshawar Section of the Punjab Northern State Railway.

The 11th September 1880.

No. 123.—The three months' leave to study the native languages granted to Mr. J. R. Tickell, Assistant Engineer, 2nd Grade, by the Manager, Rajputana State Railway, in his Notification No. 17, dated 1st September 1880, is confirmed.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

EXTENSION OF TIME FOR TENDERS.

Pachmarhi, the 4th September 1880.

Tenders for the construction of this line will be received up to the **30th September.**

H. T. GEOGHEGAN,
Engineer-in-Chief.

KANDAHAR STATE RAILWAY, Harnai and Gulistan Sections.

NOTIFICATIONS.

Quetta, the 2nd September 1880.

No. 43.—With reference to Public Works Department Notification No. 263 of 10th August 1880, Captain F. W. Joseph, Executive Engineer, 2nd Grade, was relieved of his duties on this Railway on the forenoon of the 6th August 1880.

No. 44.—With reference to Public Works Department Notification No. 268 of 12th August 1880, the under-mentioned Officers, temporarily placed at the disposal of the Agent to the Governor General, Biluchistan, were relieved of their duties on this Railway on the dates specified against their names:—

Mr. P. P. Dease, Executive Engineer, 4th Grade,—relieved on the 27th August 1880, forenoon.

Mr. R. S. J. Routh, Assistant Engineer, 2nd Grade,—relieved on the 17th August 1880, forenoon.

Mr. C. J. Cole, Assistant Engineer, 2nd Grade,—relieved on the 17th August 1880, forenoon.

R. N. HODGES,
for *Engineer-in-Chief.*

KANDAHAR STATE RAILWAY, Jacobabad Section.

NOTIFICATIONS.

Jacobabad, the 11th September 1880.

No. 22.—With reference to Director General of Railways' Notification No. 114, dated 19th August 1880, Mr. G. W. Winckler, Assistant Engineer, 1st Grade, reported his arrival to this Railway on the forenoon of the 12th idem.

No. 23.—Lala Babu Mal, Assistant Engineer, 2nd Grade, is granted leave on medical certificate for five months from 9th June 1880, under Section 4, of Supplement F, of the Civil Leave Code, 4th edition.

Above cancels this Office Notification No. 18, dated 7th August 1880.

No. 24.—Pundit Sivaditta Pande is granted privilege leave for two months and twenty-three days, under Section 3 of Supplement F, and Section 44 of the Civil Leave Code, 4th edition, from the date he is allowed to avail himself of it.

H. F. STOREY,
Engineer-in-Chief.

NIMACH-NASIRABAD STATE RAILWAY, Southern Section.

NOTIFICATIONS.

Nimach, the 8th September 1880.

No. 29.—With reference to this Office Notification No. 28, dated 11th August 1880, Mr. C. J. S. Baker, Assistant Engineer, 2nd Grade, availed himself of the three months' privilege leave, granted to him by the Director General of Railways, on the forenoon of the 2nd instant.

The 10th September 1880.

No. 30.—With reference to Director General of Railways' Notification No. 118, dated 27th ultimo, Mr. R. Davis, Assistant Engineer, 1st Grade, received charge of the 3rd Sub-Division, 1st Division, of this line, from Mr. C. J. S. Baker, Assistant Engineer, 2nd Grade, on the afternoon of the 31st August 1880.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY, Manager's Office.

NOTIFICATION.

Agra, the 11th September 1880.

No. 16.—With reference to Government of India, Public Works Department, Notification No. 283 of the 20th August last, Mr. W. B. Gray, Assistant Examiner of Accounts, 1st Grade (temporary rank), joined the Office of the Examiner of Accounts, Rajpootana State Railway, on the forenoon of the 2nd September 1880, and Pundit Prem Nath, Deputy Examiner, 2nd Grade, was relieved of his duties in that Office on the afternoon of the 4th idem.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

CALCUTTA UNIVERSITY.

NOTICE.

The Senate will proceed in the month of March 1881 to the election of a Tagore Professor for the term of one year to commence on the 1st of September 1881.

The salary of the Professorship is Rs. 10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon *one* of the following subjects:—

(1) Undivided Hindu family:—
Status, rights, liabilities and privileges of its members under the different schools of Hindu Law.

(2) The Law relating to the Disposition of property among the Mahommedans.

(3) The Law of Limitation and Prescription in British India, including Easements.

(4) The Law of Testamentary Devise as administered in British India.

Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1881, and at the same time to state on which of the above-mentioned four subjects they are prepared to lecture.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 18th September 1880.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on the 30th day of June 1880, certain treasure (72 old Chandwadi Rupees) was found in the village of Sinde, Taluka Nandurbar, of the Khandesh Collectorate, in the Bombay Presidency.

All persons claiming the treasure in whole or in part, are hereby required to appear personally, or by agent, before the Collector of Khandesh, on the 8th January 1881, at his camp, when he will proceed to hold an enquiry in accordance with the provisions of the Act.

_____,
Acting Collector of Khandesh.

DHULIA,
September 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sept. 6	...	2,03,527	2,87,217	7,34,192	39,58,550	11,76,444
" 7	19,394	...	2,87,958	4,53,920	41,75,304	12,88,091
" 8	86,912	2,13,556	2,88,420	2,40,705	44,67,245	13,68,865
" 9	...	1,17,975	1,27,147	1,08,425	45,60,246	13,80,758
" 10	...	1,20,232	...	1,08,425	45,60,047	12,58,275
" 11	...	1,18,049	...	1,07,200	44,60,123	11,37,827

CALCUTTA MINT
The 13th Sept. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st August 1880.

PARTICULARS.	3½ PER CENT. LOAN OF 1863-64.	4 PER CENT. LOANS. Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1856.	REDUCED 4 PER CENT. LOAN OF 1859.	4½ PER CENT. LOANS. Of 1870.	Of 1871.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS STERLING PER CENT. PORTION.	5 PER CENT. DEBENTURE FOR 15 YEARS, RE-PAYABLE JUNE 1882.	5 PER CENT. LOAN OF 1856-57.	6½ PER CENT. LOAN OF 1858-60.	TOTAL AMOUNT.
Balance of 15th August 1880	54,100	38,506	2,346	15,46,890	30,87,100	2,45,85,200	1,10,52,500	1,82,37,600	3,07,06,500	47,93,140	4,45,500	94,66,700	8,56,07,100	1,01,700	34,35,000	65,800	1,33,200	19,33,62,132
4½ per cent. of 1878 transferred to 4½ per cent. 1879	...	...	...	...	...	...	...	...	...	...	...	...	1,49,000	...	...	...	...	1,49,000
Add—																		
Amount enfaced at Madras between 16th and 31st August 1880	...	...	...	...	...	...	...	...	12,100	...	...	...	...	...	...	...	...	12,100
Amount enfaced at Bombay between 16th and 31st August 1880	...	...	...	...	...	40,200	2,500	12,000	...	...	2,000	7,000	36,000	...	...	...	...	97,700
Amount enfaced at Calcutta between 16th and 31st August 1880	...	...	1,067	4,646	13,000	39,000	22,300	5,000	34,800	...	2,000	5,500	1,08,000	...	...	...	...	2,73,133
	54,100	38,506	3,413	15,59,546	31,00,100	2,46,67,400	1,10,77,300	1,82,54,600	3,07,53,200	47,93,400	4,47,500	94,79,200	8,59,00,100	1,01,700	34,35,000	65,800	1,33,200	19,38,94,965
Deduct—																		
Amount written off in the London Registers .	...	...	...	...	50,000	4,15,900	12,300	3,10,600	2,01,300	2,11,000	...	3,49,000	9,45,000	...	...	55,900	...	25,50,400
Balance on 31st August 1880	54,100	38,506	3,413	15,59,546	30,50,100	2,42,51,500	1,11,85,000	1,79,44,000	3,05,51,900	45,82,400	4,47,500	91,30,200	8,49,55,100	1,01,700	34,35,000	65,800	77,300	19,13,43,665

NOTE.—From 9th June 1867 to 30th June 1880, enfaced from India, 3,915 lakhs; re-transferred from London, 3,295 lakhs.

,, 1st July 1880 to 15th July	,, ,, ,,	9 ,,
,, 16th ,, to 31st ,,	,, ,, ,,	19 ,,
,, 1st Aug. ,, to 15th Aug.	,, ,, ,,	17 ,,
,, 16th ,, ,, to 31st ,,	,, ,, ,,	25 ,,
		3,985 lakhs.
Balance against London		565 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 17th September 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 14th September 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,515	0	0
Public Deposits at Head Office . (Rs. 95,67,706 8 3)			
Public Deposits at Branches . (Rs. 2,47,53,403 12 11)	3,43,21,110	5	2
Other Deposits at Head Office and Branches	2,77,16,901	10	0
Bank Post Bills, &c.	4,50,337	12	1
Sundries	11,49,102	8	1
RUPEES .	8,59,26,967	3	4

ASSETS.	Rs.	A.	P.
Government Securities	1,25,07,379	8	0
Loans on Government Securities, &c., at Head Office and Branches . .	62,77,673	10	1
Accounts of Credit on Government Securities, &c., at Head Office and Branches	47,42,082	15	9
Bills discounted and purchased at Head Office and Branches	1,28,81,007	15	1
Balances with other Banks . . .	5,01,046	3	1
Bullion	86,043	8	3
Dead Stock	10,61,893	5	7
Stamps	8,512	8	0
Sundries	3,69,489	9	6
	3,84,35,129	3	4
Cash and Currency Notes at Head Office . (Rs. 1,88,21,397 13 9)			
Cash and Currency Notes at Branches . (Rs. 2,86,70,440 2 3)	4,74,91,838	0	0
RUPEES .	8,59,26,967	3	4

BANK OF BENGAL,
Calcutta, 16th September 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 16th Sept. 1880 ... Rs. 1,08,47,731-15-3.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 17th September 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
141	... D 18—56491 ...	100	The Agent, Chartered Mercantile Bank of India, London, and China, Calcutta.
142	... D 17—11638 ...	50	Abdool Ahud, Dera Gazi Khan.
143	... D 10—96365 ...	5	Baboo Benod Behari Gosain, Bareilly.
144	... D 16—14389 ...	10	Baboo Sasi Bhuson Roy, Orai, Jaloun.
21	... D 16—14232 *	10	G. C. F. Barnardo, Esq., Etawah.
	,, —14233		
22	... D 12—07146 *	5	Abdool Alie Ojan.
	,, —07143		

* Mismatched.

W. H. EGERTON, *A.A.-G.*,
In charge of Paper Currency Office.

ALLAHABAD,
The 15th September 1880.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No. 1880.	No. of Notes.	Value. Rs.	Name of Claimant.
W56	... M 9 —34217 ...	5	Post Master General, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H138	... M 35—79001 ...	50	Vinayek Wamon, Mandsaur.
M56	... M 53—19169	20	V. L. deSouza, Poona.
	,, —19168		

BOMBAY,
The 14th September 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
192	... O 69—02527 ...	100	Babu Prosanno Chundra Roy.
193	... O 68—27940 ...	100	Babu Khetranath Banerjee.
197	... O 67—97248 ...	100	Shaik Abdul Wahab.
198	... O 68—93791 ...	100	Mooraree Lall Misser.
199	... O 68—37785 ...	100	Srimuti Shurnolata Dabee.
	,, —37786 ...	100	
	,, —37787 ..	100	
	,, —37788 ...	100	
	,, —37789 ...	100	
200	... O 37—37344 ...	5	Babu Durga Churn Chakravarti.
201	... O 59—45446 ...	20	Babu Prosanno Kumar Bose.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
128	... A 8—15453	10	Babu Gopal Chunder Bromho.
	,, 7—12656		
	O 25—86607	20	
	,, —86006		
129	... L 17—17773	5	Babu Jagobundu Shaha.
	,, 15—57247		
130	... L 21—28063	5	Babu Gobind Kumar Pyne.
	,, 22—30019		
131	... L 1—98645	10	Babu Isan Chunder Dey.
	,, 4—98644		
132	... O 76—85387	10	Iewah Mamoojee.
	,, —85390		
133	... O 52—40944	10	Messrs. Chin Hong & Co.
	,, —40943		
	L 28—93563	5	
	,, —93562		
134	... L 37—87696	20	Babu Prosanno Chundra Paul.
	,, —87695		

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED—*contd.*

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
217	... L 97—26059 ...	10	Shaik Alla Bux.
218	... O 50—52128 ...	10	Dr. W. A. Gilligan.
219	... I 31—11769 ...	5	The Chief Pay Master, E. I. Railway, Calcutta.
220	... L 28—31354 ...	5	Babu Ramkissen Mondle.
221	... L 91—09872 ...	20	Babu Isanchundra Maulik.
222	... O 26—82639 ...	20	Babu Soorutnath Maulik.
223	... O 14—59182 ...	10	Babu Hemchunder Mitter.

CALCUTTA,
The 17th September 1880.

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
J 12—02234 ...	50	V. N. Vanapatty Moodliar, Bangalore.
J 8—11066 ...	5	V. Supalithon, Tellicherry.
J 9—17886 ...	10	
J 12—03034 ...	50	
J 9—45221 ...	10	B. Gulamsherif, Trichinopoly.
J 7—99088 ...	5	Pestanjee Nesserwanjee, Ootacamund.
J 9—42489 ...	10	
J 7—51811 ,, —58771 *	5	Hajee Mitta Cassim & Co., Madras.

* Wrongly joined.

CALICUT,
The 31st August 1880.

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Note.	Value. Rs.	Name of Claimant.
G 14—18783 ...	10	Mr. J. MacIver, Supernumerary Deputy Collector, Kurrachee.

KURRACHEE,
The 9th September 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr No.	No. of Notes.	Value. Rs.	Name of Claimant.
31	... E 15—75302 ,, —75303	50	Ruldu and Mohamed Din, Lahore.
106	... E 15—53022 ...	50	Goodar Singh, Jummoo.
127	... E 15—61278 ...	50	Sumpat Singh, on behalf of Revd. T. S. Wynkoop, Allahabad.
129	... E 8—36678 ...	5	Gholam Yaseen, Simla.

LAHORE,
The 11th September 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
16	... B 66—04165 ...	100	Revd. A. Alexander, Madras Christian College, Madras.

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
105	... B 16—87209 ...	5	R. Kumaradevu Mudali, Egmore, Madras.
106	... B 66—03502 ...	100	Salar Muhammud Hussain Sahib, Nut Merchant, Vaniyambadi, at present at 22, Periyamet, Madras.
	B 62—83334 ...	100	
107	... B 49—64800 ...	10	Kundur Bomalingamah, Cloth Merchant, Dodapetta, Bangalore.
	B 56—80010 ...	10	
	,, —86101 ...	10	
	B 60—20537 ...	10	
	B 61—39186 ...	50	
108	... B 57—43459 ...	20	L. Kristappah, Head Accountant, Taluk Kacheri, Chikmagalur, via Bangalore.
16	... B 54—27689 ,, —27681 *	20	Haji Allarakia Sajun & Co., Madras.

* Wrongly joined.

FORT SAINT GEORGE,
The 6th September 1880.

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Simla, the 2nd September 1880.

An exchange of Money Orders between India and Ceylon has been arranged with effect from the 1st October 1880.

2. The conditions* applicable to Indian inland money orders will apply also to Ceylon money orders.

3. But the remitter, instead of getting an acknowledgment signed by the payee, as in the case of inland money orders, will get one signed by the Post Master of Madras.

* (1) The value of a money order may not exceed Rs. 150 and may not include the fraction of an anna.

(2) The same remitter will not be allowed to obtain in one day money orders for a sum exceeding Rs. 600 in the aggregate drawn on the same office or payable to the same person.

(3) The commission charged on the issue of money orders will be as follows:—

	Annas.
On sums not exceeding Rs. 10 ...	2
On sums exceeding Rs. 10 but not exceeding Rs. 25	4
For every additional Rs. 25 or fraction thereof, up to the limit of Rs. 150	4

The 2nd September 1880.

FOREIGN MONEY ORDERS.

On and after the 1st October 1880, the limit of Money Orders payable in Germany, Belgium, Luxembourg, Heligoland, the Netherlands, Switzerland, Denmark, and Italy will be raised from £10 to £20; and the rates of commission for Foreign Money Orders will be reduced as shown in the following table:—

Rates of commission for Money Orders drawn upon the Foreign Countries mentioned above, *viz.*, Germany, Belgium, Luxembourg, Heligoland, the Netherlands, Switzerland, Denmark and Italy:—

		Rs.	A.
On sums not exceeding ...	£ 2 ...	0	4
Exceeding £ 2 and not exceeding	£ 5 ...	0	8
,, £ 5 ,, ,,	£ 7 ...	0	12
,, £ 7 ,, ,,	£ 10 ...	1	0
,, £ 10 ,, ,,	£ 12 ...	1	4
,, £ 12 ,, ,,	£ 15 ...	1	8
,, £ 15 ,, ,,	£ 17 ...	1	12
,, £ 17 ,, ,,	£ 20 ...	2	0

Rates of commission for Money Orders drawn upon the United Kingdom or Canada—

		Rs.	A.
On sums not exceeding ...	£ 2 ...	0	8
Exceeding £ 2 and not exceeding	£ 5 ...	1	0
,, £ 5 ,, ,,	£ 7 ...	1	8
,, £ 7 ,, ,,	£ 10 ...	2	0

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

Calcutta, the 17th September 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date. 1880.	Per Steamer
Persian Gulf	6-30 P. M.	25th Sept.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 ,,	20th ,,	Str. *Scindia.*
Madras and Ceylon . . .	6-30 ,,	21st ,,	P. and O. Str. *Thibet.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *via* Hong-Kong for Yokohama; also for Australian Colonies .	6-30 ,,	21st ,,	From Bombay.
Foreign Mails *via* Bombay . .	6-30 ,,	22nd ,,	From Bombay.*
Do. Book post and pattern packets	6-30 ,,	21st ,,	From Bombay.
Rangoon, Moulmein and Straits .	6-30 ,,	23rd ,,	Str. *Mecca.*
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6-30 ,,	24th ,,	Str. *Mahratta.*
Persian Gulf	6-30 ,,	18th ,,	From Bombay.

* Also *via* Aden, Mails for Zanzibar, Mozambique, Natal and the Cape of Good Hope can be forwarded.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 17th September 1880.

Abrey, W.	Harvey, Miss M.	Patter, J. A.
Anderson, D.	Hart, A. P.	Patoner, H. G.
Angier, R. F.	Henwood, B. D.	Feter, Geo.
Barlow, C.	Higgins, William.	Peylon, J.
Barrett, A. (Gunner.)	Hubbard, S. C.	Pringle, Miss Alice.
Bastien, W. E.	Jenkins, Mrs.	Pringle, W. H.
Beenlen, L.	Jennings, N. E.	Pyne, E. S.
Beist, H.	Jogesh Chunder Shore.	Radha Kissen Balmokund & Co.
Blanchard, Sidney.	Johnston, A.	Reid, W.
Burkutolla, Shaik.	Johnston, F. W.	Robson, Mrs.
Caundoo, M. C.	Kent, W. F.	Roberts, H. V. H.
Christian, A.	Ketter Mohun and Sons & Co.	Ross, Mrs. Daniel.
Clark, Mr.	Lall Behary Ghose.	Rowland, G. R.
Cock, John.	Lee, T.	Ryves, G. F. C.
Colthurst, J.	Longden, John D.	Saygo, H.
Corrigan, Thomas.	Macguire, Patrick.	Sen, G.
Crutcher, Mrs. H.	Marshall, J. N.	Scott, E.
Debendro Chundra Bose.	McMahon, Mrs.	Scott, A. G.
Deeruze, J.	Ments, D. B. & Co.	Shircore, A.
Doucett, T. R.	Mitchell, H.	Smith, O.
Ewing, C.	Michael, M. G.	Simpson, W.
Fan, J.	Monies, T.	Warnett, W. J. F.
Farguharson, V. A.	Moses, M. J.	Walker, W. J.
Feris, H.	Norton, Washington (Manager, Merry Makers.)	Walters, A.
Fullam, J. P.	Oldham, Alfred C.	Webb, Master Arthur
Gasper, W.		White, R.
Geary, F. W.		William, G.
Grant, Mrs. E. A.		
Haiver, Sergt. H.		

Letters marked "Care of Post Office, to be kept till called for."

Allen, Miss A.	Disnysius, Haddens.	Phelps, Mrs. C. Harris
Andrews, S. J.	Evans, J.	Rae, William.
Anson, Capt.	Garrick, D.	Reid, R.
Bailly, Harris.	Godlu, Francis.	Rishworth, J.
Barker, T. W.	Gomes, J.	Roe, Lt. R. J.
Beamish, Surgeon J. M.	Griffin, W. H.	Sanderson, G. P.
Bhoot.	Hamill, James.	Sher Shah, Moonshe.
Blackton, T. W.	Hancock, Mrs.	Silvestri, Signore E.
Bryne, Joseph.	Hewett, Lt. W. S.	Smith, Douglas.
Byford, H.	Hopekirk, William.	Smith, W.
Brown, Miss Mary.	Innis, G. R.	Sterling, William.
Caller, Monsieur L.	Jopp, Major Keith.	Stuart, F.
"Carlos."	Michael, G.	Strathmore, Miss W.
C. G. C.	Miller, Mrs. Annie.	Temple, Miss E.
Christian, C.	Murdoch, Mrs. F.	Thompson, W.
Coombs, J. W.	Ottley, Captain J. W.	Turner, J.
Cooper, J.	Pearson, Lewie.	Usborne, W.
Crowlie, E. T.	Perks, M. J.	Warde, Mrs.
C. W. S.	Prendergast, Mrs. C. L.	William, W.
Deseso Conte.	"Prescilla," R.	Willie.

Newspapers.

Crowlie, E. T.	Prendergast, Mrs.	Wilson, J. H.
Innis, G. R.		

Registered Letters.

Bell, Mr. M.	Burch & Co.	Dubus, E. E.
Beprodas Pal Chowdry.	Clare, R.	Tune, C.

E. C. GEORGE,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

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يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعني كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعني نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ‘

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يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه ‘

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HENRY F. BLANFORD,

Meteorological Reporter to Government of India.

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Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of Superintendent of Government Printing, 8, Hastings Street.

Indian Ocean—

Indian Ocean, Curves of equal magnetic variation. *Annas 8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port Salaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Bombay Harbour, showing the outer fishing-stakes. *Annas 8.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mi iya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast, Bay of Bengal, Ceylon, &c.—

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Moeletivoe. *Annas 8.*
Colombo Harbour and its approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
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Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30′ N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations. *Re. 1.*
Coconada to Bassein River. *Re. 1.*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Anchorage. *Re. 1.*
Hooghly River.—Luff Point to Anchoring Creek, showing the James and Mary Shoals and entrance to the Roopnarain River. *Re. 1-8.*
False Point to Mutlah River, showing the approaches to Sandheads. *Re. 1.*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Corongo Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Coast of Tenasserim—Tavoy River. *Re. 1.*
Port Mouat, Andamans.

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang P'ra *Re. 1.*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. By Commander A. D. Taylor, I.N., F.R.G.S. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, with a Chart showing the positions in which they occurred. By R. C. Carrington, F.R.A.S., F.R.S.L., Registrar of Wrecks. *Rs. 2.*

Ditto ditto for 1878. *Price, Rs. 2.*

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List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. By R. C. Carrington, F.R.A.S., 1880. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile. Compression $\frac{1}{212}$. By R. C. Carrington, F.R.A.S., 1877. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. By R. C. Carrington, F.R.A.S., Marine Survey of India, 1879. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. Compiled by R. C. Carrington, Marine Survey of India, 1879. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Mergui Archipelago. *Annas 4. (Cancelled; superseded by Notice No. 8).*
„ 3. Junkseylon and adjacent Islands. *Annas 4. (Cancelled; superseded by Notice No. 18),*
„ 4. False Point Harbour. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour. *Annas 4.*
„ 13. Red Sea Navigation. In shore Passages. *Annas 4.*
„ 14. Red Sea. *Annas 4.*
„ 15. South Indian Ocean. Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast, *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg.
„ 18. Coast of Siam, including Junkseylon and adjacent islands.
„ 19. Africa, East Coast, Pemba Island and Adjacent Coast.
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad.
„ 21. Arabian Coast, Ras Matbakh.

Notices to Mariners.

Notices issued during the year 1879.

Price, Anna 1 each:—

No. 1. Permanent Moorings for Eastern Channel Light-vessel entrance to Hooghly River.
„ 2. Sunken danger in Mergui Archipelago.
„ 3. Revolving Light at Vakalapudi in the Godavery District.
„ 4. Intended alteration in False Point Light.
„ 5. Shifting of the entrances to Honore (Honawar) and Mangalore on the Malabar Coast.
„ 6. Fixed Light at Roji (Nowa-Nugga) in the Gulf of Cutch.
„ 7. Fixed Light at the entrance to Toona Creek in the Gulf of Cutch.
„ 8. Fixed Light at Goapnath Point in the Gulf of Cambay.
„ 9. Wreck-marking vessels.
„ 10. The alteration in the position and improvement of Pooree Port Light.
„ 11. Shoal Coral Ground in Strait of Banka.
„ 12. Delagoa Bay.—Removal of Cockburn Light-vessel in Bad Weather.
„ 13. (1) Alteration in position of Beacons and Leading Lights—Burnett River Entrance, Australia. (2) Fixed Light on Flap-Top Islet—Pioneer River—Rocky Islets. (3) Revolving Light on Low Isles—Trinity Bay. (4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
„ 14. Sunken dangers between Alguada Reef and Diamond Island—Bay of Bengal.
„ 15. Flashing White Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the Southernmost of the Brothers Islands—Andaman Islands.
„ 17. Australia—South-coast. Gulf of St. Vincent. (1) Prohibited Anchorage near Telegraph cable. Port Phillip. (2) Buoys marking Battery Practice Range at Williams Town. (3) Fixed and Flashing Light on North Reef.
„ 18. Longitude of the Time Ball, Calcutta, and of Saugor Light-House, River Hooghly.
„ 19. (1) Discontinuance of additional Light at fourth Point—Sunda Strait—Java.
(2) Shoal in the Fairway to Batavia Road.
(3) Fixed Light on Meinder's Reef—Madura Strait.
„ 20. (1) Shoal ground westward of Durnford Point—Africa South Coast.
(2) Distinguishing features marking the Entrance to Tugela River.
(3) Ditto, Entrance to Umhloti River.
„ 21. Buoys off Carwar Harbour (Sedashigar).
„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
(2) Harbour Light at St. Pierre.
„ 23. Buoys off Carwar Harbour (Sedashigar).
„ 24. Buoys and Beacons. Zanzibar Harbour.
„ 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey.
„ 27. Change in the anchorage limits of the Port, Madras.
„ 28. Intended discontinuance of Light at El-Weg (Sherm Wej-h), Red Sea.
„ 29. Interval of intended exhibition of Blue Lights on Rockets at False Point Light-house.
„ 30. Replacing of the Buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticaloa.
„ 33. Black Buoys laid down in Calicut Roadstead to mark the limits of Foul Ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the Buoys off Carwar Harbour (Sedashigar).
„ 36. Telegraph Buoy, south of Aden.
„ 37. Black Buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a Leading Light in Suez Bay.
„ 40. Madras Semaphore.
„ 41. Black Buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near Telegraph Cables in Zanzibar Harbour.
" 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
" 3. Exhibition of the new fixed Light at False Point.
" 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to River Hooghly.
" 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
" 6. Alteration of position and elevation of the fied Light at Cannanore.
" 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 25, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 24th September 1880.

No. 20.—Mr. C. Heymerdinguer, an Assistant Superintendent of the 1st Grade, is allowed extraordinary leave without pay for four months, with effect from the forenoon of the 16th July 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 18th September 1880.

No. 35.—Mr. J. Wood-Mason, Officiating Superintendent, Indian Museum, availed himself, on the forenoon of the 11th September 1880, of one month's privilege leave granted him in Home Department Notification No. 313, dated 15th September 1880.

By Order of the Trustees,

H. B. MEDLICOTT,
Honorary Secretary, Trustees, Indian Museum.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 14th September 1880.

No. 1510.—Major A. L. Playfair, Cantonment Magistrate, Morar, is granted, on return from special leave to Europe, subsidiary leave from the

1st to the 4th instant, inclusive, to enable him to join his appointment.

D. W. K. BARR,
1st Asstt. Agent, Govr. Genl., for Central India, In charge of the Residency.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 14th September 1880.

No. 49.—Lieutenant A. L. Mein, R.E., Assistant Engineer, on return from field service, is posted to the Meerut Command, Military Works.

C. W. HUTCHINSON, *Lieut.-Genl., R.E., Inspr. Genl. of Military Works.*

Presidency & Oudh Command.

Lucknow, the 15th September 1880.

No. 12.—Mr. F. G. Brooke Fox, Assistant Engineer, 1st Grade, attached to the Lucknow Division, Military Works, has been granted privilege leave for a period of one month, of which he availed himself on the forenoon of the 13th instant.

W. R. TUCKER, *Lieut.-Col., R.E., Supdg. Engr., Presidency & Oudh Command, Military Works.*

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 15th September 1880.

No. 20.—Mr. R. W. L. Toozs, Assistant Engineer, 2nd Grade, Indus Valley State Railway, is granted one month's privilege leave from the 15th September 1880, or such subsequent date as he may be able to avail himself of it.

No. 21.—With reference to this Office Notification No. 17, dated 1st September, Mr. E. C. Elliot, Assistant Engineer, 2nd Grade, reported his arrival on the Salt Branch Line, Punjab Northern State Railway, on the afternoon of the 6th instant.

J. G. MEDLEY, *Colonel, R.E., Consulting Engr. to Govt. of India for Guaranteed Railways.*

Lucknow, the 18th September 1880.

With reference to Government of India, Public Works Department, Notification No. 292, dated 2nd September 1880, Mr. H. C. Barnes, Deputy Examiner, 2nd Grade, joined the Audit Office of the Oudh and Rohilkhand Railway Accounts on the afternoon of the 14th September 1880.

R. DEBOURBEL, *Lieut.-Col., R.E., Consulting Engr. to Govt. of India for Guaranteed Railways.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 14th September 1880.

No. 124.—With reference to Public Works Department Notification No. 298, dated 11th September 1880, Mr. W. P. Johnson, Probationary Assistant Locomotive Superintendent, is posted to the Punjab Northern State Railway.

No. 125.—Pandit Siva Dutta Pande, B.A., Assistant Engineer, 3rd Grade, has passed the professional examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18.

No. 126.—Mr. C. L. Desmazures, Store-keeper, 2nd Grade, is transferred temporarily from the Hurnai and Gulistan-Karez Sections of the Kandahar State Railway to the Office of the Port Store-keeper, Kurrachi.

The 16th September 1880.

No. 127.—Mr. E. W. Arundell, B.A., Assistant Engineer, 1st Grade, has passed the Departmental Standard Examination in Hindustani prescribed in Public Works Department Code, Chapter II, Section i, paragraph 21.

The 18th September 1880.

No. 128.—The under-mentioned Officer is granted three months' leave to study native languages, under Chapter II, Section i, paragraph 27, Public Works Department Code, with effect from the 26th August 1880:—

Mr. S. A. L. Corrigan, Assistant Engineer, 1st Grade.

No. 129.—The two months' sick leave sanctioned in Notification No. 18, dated 11th August 1880, by the Engineer-in-Chief, Kandahar Railway, Jacobabad Section, to Lalla Baboo Mull, Assistant Engineer, 2nd Grade, is hereby confirmed.

J. S. TREVOR, *Major-Genl., R.E., Director General.*

BHOPAL STATE RAILWAY.

EXTENSION OF TIME FOR TENDERS.

Pachmarhi, the 4th September 1880.

Tenders for the construction of this line will be received up to the **30th September.**

H. T. GEOGHEGAN, *Engineer-in-Chief.*

WESTERN RAJPUTANA STATE RAILWAY, Northern Section.

NOTIFICATION.

Nasirabad, the 18th September 1880.

No. 5.—With reference to Director General of Railways' Notification No. 117, dated 26th August 1880, Baboo Gujadhur Lall, Store-keeper, 2nd Grade, reported his arrival at Nasirabad on the forenoon of the 18th September 1880.

A. C. CREGEEN, *Engineer-in-Chief.*

CALCUTTA UNIVERSITY.

NOTICE.

The Senate will proceed in the month of March 1881 to the election of a Tagore Professor for the term of one year to commence on the 1st of September 1881.

The salary of the Professorship is Rs. 10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon *one* of the following subjects:—

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Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1881, and at the same time to state on which of the above-mentioned four subjects they are prepared to lecture.

CHARLES H. TAWNEY, *Registrar.*

SENATE HOUSE, *The 18th September 1880.*

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act VI of 1878, that, on or about the 19th June 1880, treasure, consisting of one "Rama Varaha" and eleven "Voomamahaswara Varahulu" (old gold coins) valued in the aggregate at Rs. 54-0-0, were found in a ruined wall near a place now resorted to as a latrine in the village of Pagidala, in the Nandikotkur Taluq, Kurnool District, in the Madras Presidency.

Any person or persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Kurnool, at his office, on Monday, the 28th February 1881, in order to the matter being enquired into and determined in accordance with the provisions of the law.

C. J. CROSTHWAITE, *Acting Collector.*

KURNOOL COLLECTOR'S OFFICE, *The 1st September 1880.*

Statement of the Affairs of the Bank of Bengal for the week ending 21st September 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,415	0	0
Public Deposits at Head Office	Rs. 67,69,936 2 1	3,01,68,148	11	4
Public Deposits at Branches	2,33,98,212 9 3			
Other Deposits at Head Office and Branches		2,99,24,248	5	3
Bank Post Bills, &c.		10,81,976	15	5
Sundries		11,62,494	6	10
RUPEES		8,46,26,283	6	10

ASSETS.		Rs.	A.	P.
Government Securities		1,28,69,187	8	0
Loans on Government Securities, &c., at Head Office and Branches		63,50,248	9	3
Accounts of Credit on Government Securities, &c., at Head Office and Branches		42,47,187	5	11
Bills discounted and purchased at Head Office and Branches		1,26,61,642	12	6
Balances with other Banks		5,62,078	7	8
Bullion		64,107	8	0
Dead Stock		10,61,755	12	11
Stamps		8,485	1	0
Sundries		3,69,541	1	6
		3,81,94,234	2	9
Cash and Currency Notes at Head Office	Rs. 1,86,18,066 6 3	4,64,32,049	4	1
Cash and Currency Notes at Branches	2,78,13,982 13 10			
RUPEES		8,46,26,283	6	10

By order of the Directors,

BANK OF BENGAL, *Calcutta, 23rd September 1880.*

J. GORDON, *Chief Acctt. & Depy. Secretary.*

R. HARDIE, *Secy. & Treasurer.*

COMPTROLLER GENERAL'S OFFICE.

No. 1306.—*Account of Revenue and Expenditure of the Government of India for the first month of the year 1880-81, as compared with the corresponding period of 1879-80.*

N. B.—Amounts are converted into sterling @ Rs. 10 to the Pound Sterling.

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April 1879.	April 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	1,655,390	1,508,307	...	147,083
II.—Tributes	698,000	76,059	83,272	7,213	...
III.—Forest	688,400	30,788	14,858	...	15,930
IV.—Excise on Spirits and Drugs	2,782,000	226,191	265,252	39,061	...
V.—Assessed Taxes	535,000	57,599	8,654	...	48,945
VI.—Provincial Rates	2,764,000	196,835	170,592	...	26,243
VII.—Customs	2,175,000	228,584	223,389	...	5,195
VIII.—Salt	7,541,000	609,489	535,300	...	74,189
IX.—Opium	9,410,000	736,471	746,483	10,012	...
X.—Stamps	3,194,000	275,932	229,807	23,875	...
XI.—Registration	265,000	17,829	23,388	5,559	...
XII.—Mint	196,000	27,488	9,176	...	18,312
XIII.—Post Office	1,008,000	87,891	96,627	9,236	...
XIV.—Telegraph	463,100	15,953	47,306	31,353	...
XV.—Minor Departments	61,700	3,556	3,090	...	466
XVI.—Law and Justice	680,000	43,498	47,584	4,086	...
XVII.—Police	232,000	15,508	16,579	1,071	...
XVIII.—Marine	226,000	19,763	14,910	...	4,853
XIX.—Education	137,000	8,955	11,974	3,019	...
XX.—Medical	38,200	7,010	1,976	...	5,034
XXI.—Stationery and Printing	45,000	2,600	4,264	1,664	...
XXII.—Interest	641,000	111,393	102,458	...	8,935
XXIII.—Pensions	291,700	6,877	6,910	33	...
XXIV.—Miscellaneous	262,000	20,807	16,015	...	4,792
XXX.—Gain by Exchange	237,000	—3,395	3,884	7,279	...
TOTAL	56,633,100	4,478,571	4,262,055	...	216,516
XXIX.—Army	800,200	56,529	64,554	8,025	...
XXVII.—Other Public Works	456,700	24,959	23,198	...	1,761
XXVI.—Irrigation and Navigation	860,200	5,158	15,264	10,106	...
XXV.—Traffic Receipts (Guaranteed Railways) State Railways	7,500,000	985,358*	611,989	...	373,369
XXVIII.—Provincial and Local Deficits	4,720,000	90,056	138,205	48,149	...
	247,200	15,392	11,948	...	3,444
TOTAL	71,217,400	5,656,023	5,127,213	...	528,810
England, including Army, Public Works Ordinary, &c.	203,800	22,677	19,413	...	3,264
GRAND TOTAL	71,421,200	5,678,700	5,146,626	...	532,074

* Includes £318,046 as traffic receipts for East Indian and Jubbulpore.

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 22nd September 1880.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

EXPENDITURE.	Estimates, 1880-81.	April 1879.	April 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	85,544	225,035	139,491	...
2.—Interest on Service Funds	398,400	11,948	12,246	298	...
3.—Refunds and Drawbacks	318,000	27,467	29,424	1,957	...
4.—Land Revenue	2,994,400	229,138	233,400	4,262	...
5.—Forest	527,600	23,779	12,681	...	11,098
6.—Excise	111,000	22,348	23,955	1,607	...
7.—Assessed Taxes	20,000	3,897	1,296	...	2,601
8.—Provincial Rates	53,000	2,116	1,493	...	623
9.—Customs	204,000	16,457	15,955	...	502
10.—Salt	368,000	22,886	51,518	...	1,368
11.—Opium	2,159,500	520,207	601,426	81,219	...
12.—Stamps	77,500	6,339	6,578	239	...
13.—Registration	166,000	10,808	14,559	3,751	...
14.—Mint	91,500	5,950	6,307	357	...
15.—Post Office	1,043,800	82,259	97,935	15,676	...
16.—Telegraph	380,900	29,391	32,421	3,030	...
17.—Administration	1,245,500	100,561	104,815	4,254	...
18.—Minor Departments	415,100	29,415	33,444	4,029	...
19.—Law and Justice	3,350,900	265,854	267,993	2,139	...
20.—Police	2,513,000	197,596	205,574	7,978	...
21.—Marine	419,000	33,934	29,753	...	4,181
22.—Education	1,015,800	66,436	75,645	9,209	...
23.—Ecclesiastical	158,600	13,302	13,945	643	...
24.—Medical	701,400	50,606	48,952	...	1,654
25.—Stationery and Printing	415,700	26,382	32,672	6,290	...
26.—Political	393,000	31,563	35,311	3,748	...
27.—Allowances	1,824,900	79,254	91,091	11,837	...
28.—Civil Furlough and Absentee Allowances	3,000	282	514	232	...
29.—Superannuation	646,300	107,419	135,341	27,922	...
30.—Miscellaneous	243,300	31,556	24,641	...	6,915
31.—Famine Relief	5,000	447	3,842	3,395	...
37.—Loss by Exchange	3,411,000	204,940	322,448	117,508	...
TOTAL	29,044,200	2,340,081	2,762,210	422,129	...
36.—Army	15,171,900	1,007,290	1,064,386	57,096	...
34.—Other Public Works	4,216,500	118,982	59,100	...	59,882
33.—Irrigation and Navigation	1,026,800	26,084	35,829	9,745	...
32.—Working Expenses (Guaranteed Railways)	4,675,000	253,762*	191,543	...	62,219
Surplus Profits paid to Railway Companies	450,300	31	515	484	...
Guaranteed Interest in India	9,000	...	...	...	...
Land and Supervision	69,500	5,139	4,148	...	991
State Railways	1,630,200	70,138	209,938	139,800	...
35.—Provincial and Local Surpluses	129,400	244,434	274,959	30,525	...
TOTAL	56,422,800	4,065,941	4,602,628	536,687	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	1,035,217	1,420,084	384,867	...
TOTAL	71,002,400	5,101,158	6,022,712	921,554	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	168,224	177,047	8,823	...
Ditto ditto in England	966,000	31,762	20,071	...	11,691
TOTAL	3,312,000	199,986	197,118	...	2,868
GRAND TOTAL	74,314,400	5,301,144	6,219,830	918,686	...

* Includes £68,750 as working expenses for East Indian and Jubbulpore.

J. WESTLAND,
Offg. Comptroller General.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sept. 13	2,48,627	64,259	16,479	3,36,541	43,79,834	10,91,060
„ 14	79,491	1,19,144	93,447	3,28,204	43,67,793	10,58,291
„ 15	...	...	91	3,28,118	43,67,878	10,58,376
„ 16	...	1,03,197	...	3,28,118	43,67,861	9,53,036
„ 17	...	1,11,902	...	3,28,118	41,67,342	8,38,805
„ 18	...	1,03,240	2,26,448	92,501	43,02,978	9,68,968

CALCUTTA MINT, *The 20th Sept. 1880.* J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 23rd Sept. 1880 ... Rs. 1,17,47,271-7-3.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 24th September 1880.*

Descriptive Return of a Medical Subordinate who has deserted from the 59th Regiment, dated at Camp Mundra, this 19th day of September 1880.

Name,—F. McCarron.
Age,—27 years 11 months.
Size,—5 feet 7½ inches.
Color of—
Complexion, florid; Hair, sandy; Eyes, grey.
Marks,—Not known.
In Uniform or Plain Clothes—Plain clothes, khakee.
Date of Enlistment and where,—May 1868.
Date of Desertion and from what Place,—18th September 1880, Camp Mundra.

RICHARD LACY, *Col.,*
Commdg. 59th Regt.

Report of a Deserter from the M-5th Royal Regiment of Artillery, dated at Saugor, this 16th day of September 1880.

Number, Rank, and Name,—No. 4964, Gunner William Franklin.
Age,—26 years 3 months.
Size,—5 feet 9¼ inches.
Color of—
Complexion, sallow; Hair, brown; Eyes, dark brown.
Date of Desertion,—14th September 1880.
Place of Desertion,—Saugor.
Date of Enlistment,—26th June 1879.
At what Place Enlisted,—Woolwich.
Parish and County in which Born,—St. Georges, London, Middlesex.
Marks,—A star on tips of each shoulder, anchor, &c., on left arm, &c.
Trade,—Ship's Rigger.
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— ... } Regimentals.
REMARKS,—An American, and accustomed to the backwoods.
Under 2 years' service.

W. T. BUDGEN, *Major, R.A.,*
Comdg. M-5th R.A.

Report of a Deserter from 90th Regiment of Light Infantry, dated at Fort William, Calcutta, this 15th day of September 1880.

Number, Rank and Name,—No. 60Bde.—1702, Private William T. B. Spearing.
Age,—21 years 6 months.
Size,—5 feet 5 inches.
Color of—
Complexion, fresh; Hair, dark brown; Eyes, light blue.
Date of Desertion,—10th September 1880.
Place of Desertion,—Calcutta.
Date of Enlistment,—7th January 1878.
At what Place Enlisted,—Sunderland.
Parish and County in which Born,—Portsmouth, Hants, England.
Marks,—None.
Trade,—Sailor.
Coat or Jacket,— } Regimental.
Waistcoat,— ... } Regimental.
Breeches or Trowsers— ... } Regimental.
REMARKS,—Took part of regimental necessaries.
Under 3 years' service.

A. CHERRY, *Major & Bt. Lt.-Col.,*
Commdg. 90th Light Infy.

Report of a Deserter from the O Battery, 5th Brigade, Royal Regiment of Artillery, dated at Cawnpore, this 20th day of September 1880.

Number, Rank, and Name,—No. 2034, Driver Alfred Watson.
Age,—22 years 11 months.
Size,—5 feet 4½ inches.
Color of—
Complexion, pale; Hair, brown; Eyes, blue.
Date of Desertion,—19th September 1880.
Place of Desertion,—Cawnpore.
Date of Enlistment,—28th October 1876.
At what Place Enlisted,—Woolwich.
Parish and County in which Born,—St. Margarets, Plumstead, Kent.
Marks,—Scar on forehead.
Trade,—Labourer.
Coat or Jacket,— } Uniform (white clothing) of R.A.
Waistcoat,— ... } Uniform (white clothing) of R.A.
Breeches or Trowsers,— ... } Uniform (white clothing) of R.A.
REMARKS,—None.
Under 4 years' service.

W. GORDON, *Capt., R.A.,*
Comdg. O Batty., 5th Bde., R.A.

Report of a Deserter from the O Battery, 5th Brigade, Royal Regiment of Artillery, dated at Cawnpore, this 20th day of September 1880.

Number, Rank, and Name,—No. 6766—4, Gunner James Payne.
Age,—25 years 8 months.
Size,—5 feet 8½ inches.
Color of—
Complexion, fresh; Hair, dark brown; Eyes, hazel.
Date of Desertion,—19th September 1880.
Place of Desertion,—Cawnpore.
Date of Enlistment,—10th October 1879.
At what Place Enlisted,—Winchester.
Parish and County in which Born,—St. Heliers, Jersey.
Marks,—Scar on breast.
Trade,—Labourer.
Coat or Jacket,— } Uniform (white clothing) of R.A.
Waistcoat,— ... } Uniform (white clothing) of R.A.
Breeches or Trowsers,— ... } Uniform (white clothing) of R.A.
REMARKS,—Weak eyes, stoops in his gait.
Under 1 year's service.

W. GORDON, *Capt., R.A.,*
Comdg. O Batty., 5th Bde., R.A.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
145	... D 12—28395 ...	5	Baboo Shoshee Bhooshun Chatterjee, Allahabad.
146	... D 17—13729 ...	50	J. W. Muir, Esq., C.S., Mainpuri.
147	... D 12—26685 ...	5	James L. Clarke, Esq., Jabalpur.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

ALLAHABAD, *The 22nd September 1880.*

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
H139	... M 43—45201 ...	100	Trimbuk Parashram, Ranade, Kolhapur.
	M 34—69268 ...	20 each.	
	„ —69269 ...		
	„ —69270 ...		
	„ —69271 ...		
	„ —69272 ...		
M57	... M 45—51645	10	Hari Janardhan Done, Pen'
	„ —51646		

BOMBAY, *The 21st September 1880.*

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
202	... O 38—02493 ...	5	The Deputy Post Master, Dilkosha, Oudh.
203	... L 93—76104 ...	50	Chuni Lal.
204	... O 30—38632 ...	50	Babu Nobo Kumar Set
205	... O 68—75265 ...	100	The Chief Accountant, Eastern Bengal Railway, Sealdah.
	„ —99833 ..	100	
206	... O 31—69317 ...	50	Babu Gobin Chandra Mukerjee.
207	... O 68—26996 ...	100	Babu Ryechurn Ghose.
211	... O 69—13618 ...	100	Goormook Roy Modungopaul.
	„ —10843 ...	100	
	O 68—48147 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
144	... E 12—94929	20	Babu Gopaul Chunder Paul.
	O 58—51270	5	
	O 37—23671		
	„ —23670		
139*	... L 10—96576	5	Babu Jogendra Chander Mukerjee.
	„ —96579		
224	... L 14—78656 ...	20	Babu Kali Das Dutt.
225	... O 67—78947 ...	100	Babu Chandra Kant Boruah.
226	... L 56—28464 ...	5	Mahabeer Prasad.
	O 37—52729 ...	5	
227	... O 46—38335 ...	10	Babu Shevendra Nath Ghose.
	O 36—78896 ...	5	
228	... O 14—30811 ...	10	Babu Shita Nath Chandra.
229	... O 36—55988 ...	5	Babu Sasibhoosan Banerjee.
230	... O 82—47584 ...	10	Mr. J. F. Carlisle
231	... L 9—40388 ...	5	Babu Gya Ram Sarcar.

* Of 1876.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED—*contd.*

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
135	... L 31—89918	5	Babu Radha Nath Mukerjee.
	„ —89917		
136	... L 9—91380	5	Babu Roopnarain Ghose.
	„ —91384		
137	... L 27—51821	5	Jeebun Singh.
	„ —51822		
139	... O 60—69023	20	Babu Troylucko Nath Mitter.
	„ —69022		
140	... O 66—13971	100	Babu Hurish Chandra Choudhuri.
	„ —13969		
141	... O 60—44236	20	Babu Hem Chunder Mukerjee.
	„ —44237		
142	... O 77—15404	10	Mr. B. Emmanuel.
	„ —72839		
143	... O 56—61699	20	Hurnarain Pitty.
	O 24—52474	20	
	O 57—28412		
	„ —28413		

CALCUTTA, *The 24th September 1880.*

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
73	... E 13—84219 ...	100	Nehal Chand, Rohon.
74	... E 15—51321 ...	50	C. T. D'Souza, Esq., Simla.
75	... E 15—71824 to „ —71828	50 each.	The District Superintendent of Police, Rawalpindi.
	E 15—71852 to „ —71854		

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
32	... E 16—62305	10	W. Adlard, Esq., Dalhousie.
	„ —60930		

LAHORE, *The 18th September 1880.*

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
47	... B 62—97783 ...	100	Messrs. Wilson & Co., Madras, for Capt. J. Ross, of the Barque *Mars.*
48	... B 61—48890 ...	50	J. Chengal Rao, Pudupakam, Madras.
49	... B 60—75460 ...	10	V. Chinnaswami Aiyar, B.A., Aiya Pillai Street, Madras.
52	... B 61—28175 ...	50	Korakhol Krishnaswami Aiyar, Korakhoi Kumbakonum Taluk.
	B 62—86642 ...	100	
	B 66—02597 ...	100	
53	... B 57—76367 ...	20	N. Piyulman Sahib, Moor Street, Madras.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
109	... B 60—78331 ...	10	S. Subraya Mudali, Pay Examiner's Office, Madras.
110	... B 47—22225 ...	5	S. Nathamuni Chetti, Goods Office, Madras Railway Co., Raichore.

FORT SAINT GEORGE, *The 13th September 1880.*

H. S. GROVES,
Offg. Asst. to Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Simla, the 2nd September 1880.

An exchange of Money Orders between India and Ceylon has been arranged with effect from the 1st October 1880.

2. The conditions* applicable to Indian inland money orders will apply also to Ceylon money orders.

3. But the remitter, instead of getting an acknowledgment signed by the payee, as in the case of inland money orders, will get one signed by the Post Master of Madras.

* (1) The value of a money order may not exceed Rs. 150 and may not include the fraction of an anna.

(2) The same remitter will not be allowed to obtain in one day money orders for a sum exceeding Rs. 600 in the aggregate drawn on the same office or payable to the same person.

(3) The commission charged on the issue of money orders will be as follows:—

	Annas.
On sums not exceeding Rs. 10 ...	2
On sums exceeding Rs. 10 but not exceeding Rs. 25	4
For every additional Rs. 25 or fraction thereof, up to the limit of Rs. 150	4

The 2nd September 1880.

FOREIGN MONEY ORDERS.

On and after the 1st October 1880, the limit of Money Orders payable in Germany, Belgium, Luxembourg, Heligoland, the Netherlands, Switzerland, Denmark, and Italy will be raised from £10 to £20; and the rates of commission for Foreign Money Orders will be reduced as shown in the following table:—

Rates of commission for Money Orders drawn upon the Foreign Countries mentioned above, *viz.*, Germany, Belgium, Luxembourg, Heligoland, the Netherlands, Switzerland, Denmark and Italy:—

		Rs. A.
On sums not exceeding ...	£ 2 ...	0 4
Exceeding £ 2 and not exceeding	£ 5 ...	0 8
„ £ 5 „ „	£ 7 ...	0 12
„ £ 7 „ „	£ 10 ...	1 0
„ £ 10 „ „	£ 12 ...	1 4
„ £ 12 „ „	£ 15 ...	1 8
„ £ 15 „ „	£ 17 ...	1 12
„ £ 17 „ „	£ 20 ...	2 0

Rates of commission for Money Orders drawn upon the United Kingdom or Canada—

		Rs. A.
On sums not exceeding ...	£ 2 ...	0 8
Exceeding £ 2 and not exceeding	£ 5 ...	1 0
„ £ 5 „ „	£ 7 ...	1 8
„ £ 7 „ „	£ 10 ...	2 0

FRED. R. HOGG,

Offg. Dir. Genl. of the Post Office of India.

Calcutta, the 24th September 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	2nd Oct.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	27th Sept.	Str. *Chindwara.*
Foreign Mails *viâ* Bombay . .	6-30 „	29th „	From Bombay.
Do. Book post and pattern packets	6-30 „	28th „	From Bombay.
Rangoon, Moulmein and Straits .	6-30 „	30th „	Str. *Pemba.*
Chittagong, Akyab, Bassein, and Rangoon	6-30 „	1st Oct.	Str. *Busheer.*
Persian Gulf	6-30 „	25th Sept.	From Bombay.
Port Blair and Camorta . .	6-30 „	1st Oct.	Str. *Satara.*

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

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Albert, Mrs. E.
Anderson, Mrs.
Arson, W. P.
Bugrins, Major J. W.
Baker, Mrs.
Barber, Mrs. J. O.
Birch, —.
Brooks, Mrs. H.
Caundoo, M. C.
Crutcher, Mrs. H.
Daly, Miss M.
Davis, Mrs. C. A.
Debendro Chundra Bose.
Deeruze, F.
Durand, S.
D'Santos, Mrs. B.
D'Sylva, H. A.
Ellise, Charles.
Eskell, Dr. (Surgeon Dentist).
Fan, J.
Fareuharson, V. A.
Faulkner, P.
Feris, H.
Forbes, Colonel H. T.
Fitzgerald, Lieutenant-Colonel M. M.
Fitzgerald, J. F. F.
Fleming, G.
Frances, C.
Freeman, J.
Fulton, J.
Galloway, D.
Geary, F. W.
Grant, F. J. G.
Grene, Dr. E. C.
Hackerdon, A.
Hart, A. P.
Hay, J.
Henwood, B. D.
Hubbard, S. C.
Inglis, Miss F.
Jogesh Chunder Shore.
Johnston, A.
Johnston, F. W.
Jones, —.
Jordon, Miss Anni.
Kellock, R.
Lall Behary Ghose.
Lancaster, F. G.
Lavalette, T. W.
Lee, T.
Maeguire, H.
Mackay, J.
Marshall, J. N.
Mitchell, H.
Monies, T.
Morris, Mrs.
Norton, Washington (Manager, Merry Makers.)
Oldham, Alfred C.
Patoner, H. G.
Patter, J. A.
Pearson, Buchanan & Co.
Pereira, R.
Peter, Geo.
Peylon, J.
Pyne, E. S.
Read, J. P. V. D.
Roopchand Sadhar.
Ryves, G. F. C.
Sayge, H.
Simpson, W.
Smith, Alex.
Stevens, Mrs. E.
Stewart, T. A.
Sturrock, D. D.
Syed Ali Ullah Saheb (zemindar.)
Wais, L.
Walker, W. J.
Warnett, W. J. F.
Watson, Captain J.
Watson, W. F.
Western, Captain J. H.
William, Mrs. G.

Letters marked "Care of Post Office, to be kept till called for."

Allen, Miss A.
Andrews, S. J.
Anson, Capt.
Bailly, Harris.
Barker, T. W.
Berrell, C. D.
Bernheim, Mrs. S.
Bhoot.
Blackton, T. W.
Brixoe, Davis.
Brown, Miss Mary.
Bryne, Joseph.
Byford, H.
Caller, Monsieur L.
"Carlos."
C. G. C.
Christian, C.
Clayton, F. G.
Coombs, J. W.
Cooper, J.
Crowlie, E. T.
C. W. S.
Deseso Conte.
Disnysius, Haddens.
Evans, J.
Evans, Mrs. P. A.
Garrick, D.
Godlu, Francis.
Griffin, W. H.
Hancock, Mrs.
Hewett, Lt. W. S.
Hopekirk, William.
Hudson, F.
Jackson, R. A.
Jackson, W.
Jopp, Major Keith.
Man, Alex.
Matson, E.
Michael, G.
Miller, Mrs. Annie.
Murdoch, Mrs. F.
Norman, Fred.
Ottley, Captain J. W.
Pearson, Lewie.
Perka, M. J.
Prendergast, Mrs. C. L.
"Prescilla," R.
Phelps, Mrs. C. Harris.
Rae, William.
Reid, R.
Rishworth, J.
Robers, H.
Sandeman, W. A.
Silvestri, Signore E.
Smith, Douglas.
Stuart, F.
Strathmore, Miss W.
Sulton, Rev. G.
Temple, Miss E.
Thompson, W.
Turner, Mrs. M.
Usborne, W.
Warde, Mrs.
William, W.
Willie.

Newspapers.

Crowlie, E. T.
Prendergast, Mrs.
Wilson, J. H.

Registered Letters.

Bell, M.
Beprodas Pal Chowdry.
Burch & Co.
Clare, R.
Dubus, E. E.

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The Quarterly Civil List for Bengal, corrected up to the 1st July 1880. *Price, Rs. 3; postage, 4 annas.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 2, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

SECONDE... OCT. 8.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance.*

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E. J. DEAN,

Publisher, Gazette of India.

BANK OF BENGAL.

Calcutta, the 19th August 1880.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on the following days:—

On Monday, the 4th October, on account of the Hindu festival "Mohalaya," and from Friday, the 8th, to Tuesday, the 19th October (both days inclusive), on account of the "Doorga and Luckhi Poojah" holidays.

All Government acceptances falling due between the 8th and 19th October will be paid by the Bank on and after the 5th idem.

By Order of the Directors,

R. HARDIE,

Secretary & Treasurer.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATIONS.

Mount Abu, the 24th September 1880.

No. 2673 S.—Mr. Bhagat Singh, Assistant Engineer, 1st Grade, attached to the Ajmere Division of the Public Works Department, returned to duty from the twenty days' privilege leave of absence granted to him in this Administration Notification No. 2375 S., dated 26th August 1880, on the forenoon of the 11th September 1880.

The unexpired portion of the leave, *viz.*, two days, is hereby cancelled.

No. 2688 *S.*—Mr. D. Joscelyne, Executive Engineer, 4th Grade, is appointed to the Special Survey Division, and will take charge of it on relief of the charge of the Nasirabad Division.

By Order,

J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General, and Chief Commr., in the P. W. D., Rajputana.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 22nd September 1880.

No. 50.—With reference to Government of India, Public Works Department, Notification No. 256, dated 6th August 1880, Lieutenant H. L. Wells, R.E., was relieved of his duties in the Military Works Branch, on the forenoon of 10th August 1880.

The 24th September 1880.

No. 51.—Lieutenant S. Grant, R.E., Executive Engineer, 4th Grade (temporary rank), passed the Departmental Standard Examination, on the 4th September 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Meerut Command.

Meerut, the 28th September 1880.

No. 23.—With reference to Inspector General's Notification No. 45, dated 10th September 1880, Lieutenant Whistler Smith, R.E., Assistant Engineer, is posted to the Meerut Division, Military Works, which he joined on the afternoon of the 16th September 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Sirhind & Lahore Command.

The 22nd September 1880.

No. 79.—Lieutenant W. T. Shone, R.E., Executive Engineer, 4th Grade (temporary rank), reported his arrival at Superintending Engineer's Office, Lahore, on the forenoon of the 13th September 1880.

The 27th September 1880.

No. 80.—Lieutenant G. K. Scott-Moncrieff, R.E., Assistant Engineer, transferred to Sirhind and Lahore Command, Military Works, reported his arrival at Kasauli, on the afternoon of the 15th instant.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 27th September 1880.

No. 22.—Baboo Russick Lall Roy, Assistant Engineer, 1st Grade, Salt Branch Line, Punjab Northern State Railway, is granted two months' privilege leave, with effect from 25th September 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 27th September 1880.

No. 130.—Mr. S. A. L. Corrigan, Assistant Engineer, 1st Grade, is posted temporarily to the Punjab Northern State Railway, Open Line.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATION.

Nimach, the 20th September 1880.

No. 31.—With reference to Public Works Department Notification No. 266, dated 10th August 1880, Mr. A. C. Cregeen handed over, and Mr. W. B. Carter received, charge as Engineer-in-Chief of the Northern Section of the Nimach-Nasirabad State Railway, on the 1st instant.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Pindi Junction to Peshawar Section.

NOTIFICATION.

Rawalpindi, the 24th September 1880.

No. 35.—In continuation of this Office Notification No. 32, dated 1st September 1880, Mr. R. W. Roberts, Assistant Engineer, 2nd Grade, joined the Peshawar Division, Punjab Northern State Railway, on the afternoon of the 1st September 1880.

T. GRACEY, *Capt., R.E.,*
for *Engineer-in-Chief.*

PUNJAB NORTHERN STATE RAILWAY, Rathial-Pindi Section.

NOTIFICATION.

Rawalpindi, the 24th September 1880.

No. 12.—With reference to Director General of Railways' Notification No. 121 of 9th September 1880, Mr. C. L. Biscoe, Assistant Traffic Superintendent, received charge of the Open Line of this Section, with effect from the 7th idem, *vice* Mr. J. H. Allen, Assistant Traffic Superintendent, transferred to the Open Line, on the same date.

C. A. BULL,
Supdt. of Works.

WESTERN RAJPUTANA STATE RAILWAY, Northern Section.

NOTIFICATIONS.

Nasirabad, the 23rd September 1880.

No. 6.—Mr. R. L. Campbell, Assistant Engineer, 2nd Grade, reported his return to duty from the six weeks' privilege leave granted him in this Office Notification No. 4, dated 9th August 1880, on the afternoon of the 31st idem.

The unexpired portion of his leave is hereby cancelled.

The 24th September 1880.

No. 7.—In continuation of this Office Notification No. 5, dated 18th September 1880, Mr. J. Lloyd, Store-keeper, 1st Grade, made over, and Babu Gujadur Lall, Store-keeper, 2nd Grade, received, charge of the Office of Store-keeper of this Section on the afternoon of the 23rd idem.

The 27th September 1880.

No. 8.—With reference to Director General of Railways' Notification No. 120, dated 4th September 1880, Mr. J. Lloyd, Store-keeper, 1st Grade, availed himself of the furlough and subsidiary leave granted therein, on the afternoon of the 23rd idem.

A. C. CREGEEN,
Engineer-in-Chief.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sept. 20	...	88,024	...	92,280	42,74,975	8,79,118
„ 21	...	1,02,548	85,006	11,220	42,90,633	8,43,003
„ 22	...	1,02,068	...	11,220	42,47,159	7,39,917
„ 23	6,41,515	96,876	11,940	6,41,515	41,71,519	6,65,408
„ 24	...	75,774	...	6,41,515	40,98,653	5,88,859
„ 25	...	1,01,089	...	6,41,515	41,06,750	4,86,674

CALCUTTA MINT, *The 27th Sept. 1880.* J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 30th Sept. 1880 ... Rs. 76,36,546-7-3.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 1st October 1880.*

Statement of the Affairs of the Bank of Bengal for the week ending 28th September 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,415	0	0
	Rs. A. P.			
Public Deposits at Head Office	71,05,741 7 3	2,48,42,824	15	6
Public Deposits at Branches	1,77,37,083 8 3			
Other Deposits at Head Office and Branches		3,10,07,870	10	9
Bank Post Bills, &c.		5,00,207	1	3
Sundries		11,85,960	11	6
RUPEES		7,98,26,278	7	0

ASSETS.		Rs.	A.	P.
Government Securities		1,27,65,281	8	0
Loans on Government Securities, &c., at Head Office and Branches		64,44,842	15	1
Accounts of Credit on Government Securities, &c., at Head Office and Branches		49,04,742	15	6
Bills discounted and purchased at Head Office and Branches		1,18,73,010	9	2
Balances with other Banks		4,38,453	14	9
Bullion		31,575	11	2
Dead Stock		10,62,058	14	2
Stamps		8,514	5	0
Sundries		3,69,394	1	6
		3,78,97,874	14	4
	Rs. A. P.			
Cash and Currency Notes at Head Office	1,99,80,677 4 3	4,19,28,403	8	8
Cash and Currency Notes at Branches	2,19,47,726 4 5			
RUPEES		7,98,26,278	7	0

By order of the Directors,

BANK OF BENGAL, *Calcutta, 30th September 1880.*

J. GORDON, *Chief Acctt. & Depy. Secretary.*

R. HARDIE, *Secy. & Treasurer.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
209	D 16—04396	10	Ramsaroop, Neemuch.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
148	D 16—20739	10	Mrs. E. Smith, Jullunder.
149	D 17—05338	50	Baboo Bholanath Dass, Calcutta.
150	D 14—25045	20	Baboo Rakhal Chunder Banerjee, Sirsa.
151	D 12—10673	5	Lalla Ruttun Chund, Allahabad.
23	D 17—13553 * „ —13554	50	Messrs. Grindlay, Groom & Co., Bombay.

* Mismatched.

ALLAHABAD,
The 29th September 1880.

W. H. EGERTON, *A.-G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W58	M 39—04262	1,000	Joshub Esmal Haji Ebram Tar Mahomed, Bombay.
	„ —07783	1,000	
	M 26—99529	1,000	
	„ —99530	1,000	
	„ —99531	1,000	

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H140	M 49—10918	10	Dinshawji Edulji, Bombay.
H141	M 51—91614	10	W. W. Smith, Nagpur.
M58	M 3—78792 M 2—16933	5	Ramnarayen Dhurmraj, Bombay.
M59	M 33—86511 M 34—93479	20	Maneckji Framji, Poona.
M60	M 41—06103 „ —06105	10	Gopal Hirji, Bombay.

BOMBAY,
The 28th September 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
213	O 31—25636	50	Babu Srinath Chakravarti
214	O 50—48423	10	Babu Nibaran Chunder Ghose.
215	O 67—81078	100	Babu Jadu Nath Dey.
	O 69—15807	100	
	O 31—15431	50	
	„ —06264	50	
216	O 61—65236	20	Babu Kali Das Mukerji
	„ —65237	20	
	„ —65238	20	
	„ —65239	20	
	„ —65240	20	
	O 83—32711	10	
217	O 68—48499	100	Babu Darika Nath Sarkar.

Calcutta Circle —*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
145	A 7—07198 „ —07296	10	Babu Hem Chunder Mitter.
	A 19—19955 „ —19956	10	
	L 57—70446 „ —70439	10	
146	O 31—65503 „ —65513	50	Mr. G. M. Reily.
147	L 55—01355 „ —01353	5	Babu Behari Lal Dey.
148	L 34—95159	10	Hanuman Singh.
	L 6—52685		
	L 16—72181 „ —51062	5	
	L 15—17124 L 17—45225	5	
232	O 52—37190	10	Babu Rutton Chand.
	„ —35962	10	
233	O 75—15250	10	Mr. J. L. Clarke.
234	O 36—78113	5	Babu Haris Chunder Chaudhuri.
235	L 14—17835	23	Golam Abbas.
236	O 60—92081	20	Mr. T. A. Brown.
237	O 61—29354	20	Mr T. Chrestien.
	„ —22584	20	

CALCUTTA,
The 1st October 1880.

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
77	E 15—67824	50	Major General J. Hills, care of Messrs. King, King & Co., Bombay.

NOTE PARTIALLY LOST OR DESTROYED.

		Rs.	
185	E 8—25716	5	T. E. Curry, Esq., Assistant Engineer, Punjab Northern State Railway, Rawalpindi.

LAHORE,
The 24th September 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
54	B 66—15987	100	Captain Gerald Bourke, The Club, Bangalore.
55	B 41—17091	10	Muhammad Jaffer Hussein Sahib, Overseer, D. P. W., Nandikottai, Kurnool District.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
111	B 40—13327	5	M. H. Manika Pillai, care of N. R. Ponnuswami Pillai, Deputy Commissioner's Establishment, Kolar.
112	B 60—64419	10	R. D. Subraya Mudali, Wallajamagar.
	„ —70272	10	
	B 61—33708	50	
113	B 57—61468	20	B. Nusakuntappa, Dubash, care of Messrs. A. & F. Harvey, Bellary.
114	B 34—70310	10	Nagaratha Munjayudaiyar, Nagar.
	B 39—28330	10	
115	B 46—86829	5	V. K. Raghava Chari, Superintendent, Treasury Account Department, Accountant General's Office, Madras.
	B 54—73279	20	
	B 57—11885	20	
116	B 60—00467	10	H. R. Srinivasa Rao, Court Inspector, Shimoga.

FORT SAINT GEORGE,
The 20th September 1880.

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 2nd September 1880.

FOREIGN MONEY ORDERS.

On and after the 1st October 1880, the limit of Money Orders payable in Germany, Belgium, Luxembourg, Heligoland, the Netherlands, Switzerland, Denmark, and Italy will be raised from £10 to £20; and the rates of commission for Foreign Money Orders will be reduced as shown in the following table :—

Rates of commission for Money Orders drawn upon the Foreign Countries mentioned above, *viz.*, Germany, Belgium, Luxembourg, Heligoland, the Netherlands, Switzerland, Denmark and Italy :—

		Rs. A.
On sums not exceeding ...	£ 2 ...	0 4
Exceeding £ 2 and not exceeding	£ 5 ...	0 8
„ £ 5 „ „	£ 7 ...	0 12
„ £ 7 „ „	£ 10 ...	1 0
„ £ 10 „ „	£ 12 ...	1 4
„ £ 12 „ „	£ 15 ...	1 8
„ £ 15 „ „	£ 17 ...	1 12
„ £ 17 „ „	£ 20 ...	2 0

Rates of commission for Money Orders drawn upon the United Kingdom or Canada—

		Rs. A.
On sums not exceeding ...	£ 2 ...	0 8
Exceeding £ 2 and not exceeding	£ 5 ...	1 0
„ £ 5 „ „	£ 7 ...	1 8
„ £ 7 „ „	£ 10 ...	2 0

FRED. R. HOGG,
Offg. Dir. Genl. of the Post Office of India.

Calcutta, the 1st October 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	9th Oct.	From Bombay.
Madras, Ceylon and the Straits-settlements Ports	6-30 „	4th „	Str. *Chinsurah.*
Madras and Ceylon	6-30 „	9th „	P. and O. Str. *Peshawar.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6-30 „	5th „	From Bombay.
Foreign Mails *viâ* Bombay	6-30 „	6th „	From Bombay.
Do. Book post and pattern packets	6-30 „	5th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	7th „	Str. *Meeca.**
China, Akyab, Kyouk Phyu, Bassein and Rangoon	6-30 „	8th „	Str. *Comilla.*
China and Hong-Kong	6-30 „	8th „	Strs. *A. Apcar* and *Suez.*
Persian Gulf	6-30 „	2nd „	From Bombay.

* Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 30th September 1880.

Alexander, L.
Anderson, Mrs.
Anthony, John.
Arson, W. P.
Baker, Mrs.
Bell, Mrs. R.
Bhola Nath Dhur.
Birch, —.
Boyd, A. G.
Browne, E. M.
Buggins, Major J. W.
C. M. F.
Caundoo, M. C.
Chearius, Giuseppe (Royal Indian Circus).
Colthurst, J.
Combe, Mrs. A.
Crosse, S. G.
Datta, H. C.
Debendro Chundra Bose.
Decruze, F.
Demello, A. M.
DeSouza, E. J.
D'Santos, Mrs. B.
Ellise, Charles.
Eskell, Dr. (Surgeon Dentist).
Evans, —.
Ezra, S.
Fargarhar, A.
Fleming, M.
Frances, C.
Freeman, J.
Fuller, F.
Gabriel, C.
Galloway, D.
Gardiner, Lieut.-Col. P. F.
Gill, A. B.
Gomes, A. D.
Gomes, N.
Grant, F. J. G.
Grave, H.
Hackly, J. H.
Hackie, Master Willie.
Henry, J.
Hubbard, S. C.
Hudson, T.
Hume, A. O. (C.S.)
Humphreys, Mrs.
Huro Lal Roy.
Jones, —.
Jordon, Miss Anni.
Kehor, Mrs. A.
Lancaster, F. G.
Langley, R. B.
Lyall, R. & Co.
Macneil, Capt. L.
Manuel, Mrs. C.
Mausell, G. Z.
Mathesen, F.
Monies, T.
Morrison, R.
Norton, Washington (Manager, Merry Makers.)
Page, W. E.
Packer, E. W.
Power, Mrs. C.
Robinson, Mrs. E.
Row, Capt. (*Goomte* flat.)
Roopchand Sadhar.
Rixon, R. J. A.
Ryves, G. F. C.
Sheilds, R.
Smith, Alex.
Stevens, Mrs. E.
Stewart, F. A.
Syed Ali Ullah Saheb (zemindar.)
Tiggins, Messrs. V. & J.
Trader & Co.
Vaers, Mrs.
Vean, T. E.
Waddell, Surgeon L. A.
Walmesley, C. C.
Watson, W. F.
Western, Captain J. H.
Weister, Mrs. A.
Willans, Capt. T. J.
Woothum Chund.
Wren, Mrs. F. E.

Letters marked "Care of Post Office, to be kept till called for."

Allen, Miss A.
Andrews, S. J.
Anson, Capt.
Austin, A. Godwin.
Bailly, Harris.
Barker, T. W.
Bernheim, Monsieur.
Bhoot, James.
Blackton, T. W.
Brown, Miss Mary.
Bryne, Joseph.
Byford, H.
Caller, Monsieur L.
"Carlos."
C. G. C.
Christian, C.
Clayton, F. G.
Coombs, J. W.
Cooper, J.
Crowlie, E. T.
C. W. S.
Deseso Conte.
Dionysius, Haddens.
Evans, J.
Evans, Mrs. P. A.
Foster, E. (S. S. *Booldana*).
Garrick, D.
Godlu, Francis.
Goodridge, R. E.
Griffin, W. H.
Hancock, Mrs.
Hewett, Lt. W. S.
Hopekirk, William.
Hynes, Mrs.
Jackson, R. A.
Jackson, W.
Johnston, Capt.
Jopp, Major Keith.
K. S.
Kellock, R.
Lukes, Surgeon C. P.
Man, Alex.
Matson, E.
Michael, G.
Miller, Mrs. Annie.
Ottley, Captain J. W.
Pearson, Lewie.
Perks, M. J.
Prendergast, Mrs. C. L.
"Preseilla," R.
Phelps, Mrs. C. Harris.
Rae, William.
Reid, R.
Rishworth, J.
Sanderson, G. P.
Sandeman, W. A.
Silvestri, Signore E.
Simpson, L.
Smallwood, Mrs. G.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 9, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

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SURVEY OF INDIA.

NOTIFICATION.

Mussoorie, the 4th October 1880.

No. 191.—Mr. T. E. M. Claudius, Surveyor, 4th Grade, is granted three months' privilege leave, with effect from the forenoon of the 11th instant.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 18th September 1880.

No. 11.—Major S. C. Clarke, R.E., Executive Engineer, 1st Grade, whose services were placed at the disposal of the Agent to the Governor General for Biluchistan, under Notification of the Public Works Department, No. 248, dated 28th July 1880, reported his arrival at Sibi on the forenoon of the 28th August 1880, and was placed on special duty till further orders.

T. F. DOWDEN, *Major, R.E.,*
Offg. Secy. to Agent to Gov. Genl.,
for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 5th October 1880.

No. 1622.—Major J. Homfray, General List, Infantry, Boundary Settlement Officer in Bundel-

khand, availed himself, on the afternoon of 24th June 1880, of the three months' privilege leave granted him in Notification No. 749, dated 8th May 1880, and resumed charge of his duties on the forenoon of the 24th September 1880.

By Order,

H. L. ST. BARBE,
2nd Asstt. Agent, Govr. Genl., for Central India, In charge of the Residency.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 2nd October 1880.

No. 52.—Captain B. J. Goldie, R.E., Executive Engineer, on return from furlough, is posted to the Presidency and Oudh Command, Military Works.

The 4th October 1880.

No. 53.—Mr. A. J. P. Jones, C.E., Assistant Engineer, passed the Departmental Standard Examination on 23rd September 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E., Inspr. Genl. of Military Works.*

Meerut Command.

Meerut, the 5th October 1880.

No. 24.—With reference to Inspector General's No. 49 of 14th September 1880, Lieutenant A. L. Mein, R.E., Assistant Engineer, joined the Meerut Command, on forenoon of 25th September, and is posted to the Morar Division, Military Works, which he joined on the afternoon of 30th September 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E., Supdg. Engr., Meerut Command, Military Works.*

Presidency & Oudh Command.

Lucknow, the 28th September 1880.

No. 13.—With reference to Inspector General, Military Works, Notification No. 44, dated the 10th instant, Lieutenant J. A. Ferrier, R.E., Assistant Engineer, 1st Grade, is posted to the Lucknow Division, Military Works, which he joined on the forenoon of 22nd idem.

W. R. TUCKER, *Lieut.-Col., R.E., Supdg. Engr., Presidency & Oudh Command, Military Works.*

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Calcutta, the 5th October 1880.

With reference to the Notification of the Government of India in the Public Works Department, No. 297, dated the 8th ultimo, Major K. A. Jopp, R.E., Executive Engineer, 1st Grade, joined the Office of the Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, on the forenoon of the 4th October 1880.

W. H. JOHNSTONE, *Capt., R.E., for Consulting Engr. to Govt. of India for Guaranteed Railways.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 28th September 1880.

No. 131.—Mr. O. J. Shedlock, Assistant Engineer, 2nd Grade, is transferred from the Pindi Junction to the Peshawar Section of the Punjab Northern State Railway, to the Nimach-Nasirabad State Railway.

The 29th September 1880.

No. 132.—Messrs. C. V. MacIvor, Executive Engineer, 3rd Grade, and E. H. Clementson, Assistant Engineer, 2nd Grade, are transferred from the Harnai and Gulistan-Karez Sections of the Kandahar State Railway to the Jacobabad Section of the same line.

The 2nd October 1880.

No. 133.—Mr. F. L. Dibblee, Executive Engineer, 1st Grade, Superintendent of Works, Rathial-Pindi Section, Punjab Northern State Railway, is granted two months' privilege leave, with effect from 5th August 1880.

Mr. C. A. Bull, Executive Engineer, 2nd Grade, is appointed to officiate as Superintendent of Works, Rathial-Pindi Section, during Mr. Dibblee's absence.

No. 134.—Mr. L. C. DesMazures, Storekeeper, 2nd Grade, whose services were placed temporarily at the disposal of the Port Storekeeper, State Railway Department, Karachee, in Director General of Railways' Notification No. 126 of 14th September 1880, is retransferred to the Kandahar State Railway, Hurnai and Gulistan-Karez Sections.

J. S. TREVOR, *Major-Genl., R.E., Director General.*

BHOPAL STATE RAILWAY SURVEY.

NOTIFICATION.

Pachmarhi, the 2nd October 1880.

No. 3.—In continuation of Director General of Railways' Notification No. 95, dated 13th July 1880, three months' privilege leave is granted to Mr. J. A. Greenwood, Assistant Engineer, 2nd Grade.

H. T. GEOGHEGAN, *Engineer-in-Chief.*

PUNJAB NORTHERN STATE RAILWAY, Lahore to Jhelum.

NOTIFICATIONS.

Lahore, the 29th September 1880.

No. 19.—With reference to Director General of Railways' Notification No. 121, dated 9th September 1880, Mr. C. L. Biscoe was relieved of his duties on the Open Line, on the afternoon of 4th September, and Mr. J. H. Allen joined on the forenoon of 11th idem.

The 1st October 1880.

No. 20.—With reference to Director General of Railways' Notification No. 124, dated 14th September 1880, Mr. W. P. Johnson, Probationary Assistant Locomotive Superintendent, reported his arrival at Jhelum, on the afternoon of the 24th idem.

W. SEDGWICK, *Capt., R.E., Offg. Manager.*

PUNJAB NORTHERN STATE RAILWAY, Rathial-Pindi Section.

NOTIFICATION.

Rawalpindi, the September 1880.

No. 13.—Mr. H. B. Molesworth, Assistant Engineer, 1st Grade, is granted two months' privilege leave, with effect from 1st October 1880.

F. L. DIBBLEE, *Engineer-in-Chief.*

SINDIA STATE RAILWAY.

NOTIFICATION.

Dholpur, the 2nd October 1880.

No. 6.—With reference to Director General of Railways' Notification No. 110, dated 13th August 1880, Mr. H. H. Gahan, Assistant Engineer, 1st Grade, returned from two months' special leave to study the native languages, on the forenoon of the 1st instant, and resumed charge of his duties from Mr. H. D. LaTouche, as Officiating Executive Engineer of the Construction Division, on the same date.

H. D. LATOUCHE, *Engineer-in-Chief, Sindia State Railway.*

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 28th July 1880, treasure, consisting of pieces of silver worth about Rs. 36, were found in the fields belonging to Mochi Jenna, of Kondrasingi, in the Jagannath Prasad Mutah, of the Goomsur Taluq, Ganjam District, Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Ganjam, at his office, on 18th February 1881, in order to the matter being enquired into and determined in accordance with the provisions of the Act.

A. E. CASTLESTUART STUART, *Asst. Collector, for Acting Collector of Ganjam.*

CHATRAPUR, *The 9th September 1880.*

Statement of the Affairs of the Bank of Bengal for the week ending 5th October 1880.

LIABILITIES.	Rs.	A.	P.	ASSETS.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0	Government Securities	1,23,01,231	8	0
Reserve Fund	22,89,279	0	0	Loans on Government Securities, &c., at Head Office and Branches	63,97,724	13	10
Public Deposits at Head Office (Rs. 1,21,53,414 8 4)	2,81,85,578	13	1	Accounts of Credit on Government Securities, &c., at Head Office and Branches	54,82,064	5	4
Public Deposits at Branches (Rs. 1,60,32,164 4 9)				Bills discounted and purchased at Head Office and Branches	1,19,43,6 2	0	8
Other Deposits at Head Office and Branches	2,71,40,312	7	8	Balances with other Banks	5,03,936	12	7
Bank Post Bills, &c.	4,63,413	1	7	Bullion	63,375	12	0
Sundries	11,98,839	0	5	Dead Stock	10,61,423	2	0
				Stamps	8,213	9	0
				Sundries	3,79,807	11	0
					3,81,41,429	10	5
				Cash and Currency Notes at Head Office (Rs. 1,96,95,151 9 6)	4,11,35,992	12	4
				Cash and Currency Notes at Branches (Rs. 2,14,40,841 2 10)			
RUPEES	7,92,77,422	6	9	RUPEES	7,92,77,422	6	9

By order of the Directors,

BANK OF BENGAL, *Calcutta, 7th October 1880.*

J. GORDON, *Chief Acctt. & Depy. Secretary.*

R. HARDIE, *Secy. & Treasurer.*

***STATEMENT** of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 1880.*

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	Transfer Loan of 1879, seven shillings sterling per cent. portion.	5 per cent. Debenture for 15 years, re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 31st August 1880	54,100	38,506	3,413	15,89,546	30,50,100	2,42,51,500	1,10,65,000	1,79,44,600	3,05,51,900	45,82,400	4,47,500	91,30,200	8,49,55,100	1,01,700	34,35,000	65,800	77,300	19,13,43,665
Add—																		
Amount enfaced at Madras between 1st and 15th September 1880	...	...	...	...	...	9,500	...	...	...	...	...	...	1,26,000	...	...	...	...	1,35,500
Amount enfaced at Bombay between 1st and 15th September 1880	...	...	...	...	...	96,100	7,300	19,900	...	...	...	75,100	88,100	...	...	...	...	2,96,500
Amount enfaced at Calcutta between 1st and 15th September 1880	...	...	...	...	...	9,000	1,000	...	...	1,800	1,500	...	3,39,000	...	2,000	...	...	3,54,100
	54,100	38,506	3,413	15,89,546	30,50,100	2,43,66,100	1,10,73,300	1,79,64,500	3,05,51,900	45,84,000	4,49,000	92,05,300	8,55,18,200	1,01,700	34,37,000	65,800	77,300	19,21,29,765
Deduct—																		
Amount written off in the London Registers	...	...	...	...	...	2,73,700	15,000	59,100	84,800	...	...	1,90,500	17,45,000	...	2,000	...	5,000	23,75,100
Balance on 15th September 1880	54,100	38,506	3,413	15,89,546	30,50,100	2,40,92,400	1,10,58,300	1,79,05,400	3,04,67,100	45,84,000	4,49,000	90,14,800	8,37,73,200	1,01,700	34,35,000	65,800	72,300	18,97,54,665

NOTE.—From 9th June 1867 to 15th July 1880, enfaced from India, 3,918 lakhs; re-transferred from London, 3,304 lakhs.
,, 16th July 1880 to 31st ,, ,, 3 ,, ,, 19 ,,
,, 1st Aug. ,, to 16th Aug. ,, 4 ,, ,, 17 ,,
,, 16th ,, ,, to 31st ,, ,, 5 ,, ,, 25 ,,
,, 1st Sept. ,, to 15th Sept. ,, 7 ,, ,, 23 ,,
3,937 lakhs. 3,388 lakhs.
3,388 ,,
549 lakhs. Balance against London.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 7th October 1880.

R. HARDIE,
Secretary and Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	Certificates issued on: General Treasury.	Currency Department.	Balance of Bullion: Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sept. 27	90,398	...	...	7,31,913	39,06,663	4,86,674
,, 28	1,748	1,00,778	...	7,33,661	38,07,794	3,84,900
,, 29	...	...	...	7,33,661	36,07,961	3,84,900
,, 30	...	...	1,46,191	5,80,913	36,66,280	5,36,993
Oct. 1	...	99,148	2,87,643	2,81,689	38,66,355	7,35,818
,, 2	...	96,755	2,91,161	629	40,55,893	9,18,739

CALCUTTA MINT, The 5th Oct. 1880. } J. F. TENNANT, *Col., R.E.*, *Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 7th Oct. 1880 ... Rs. 1,13,42,631-7-3.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 8th October 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
152	... D 14—36686 ...	20	W. S. Braybrooke, Esq., Sultanpur.
153	... D 16—19315 ...	10	Notobur Dass, Simla.
154	... D 16—15696 ...	10	Baboo Purna Chandra Ghose, Naini Tal.

ALLAHABAD,
The 6th October 1880.

W. H. EGERTON, *A.A.-G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
H142	... M 50—01093 ...	10	Hari Madari Dhobhi, Bombay.
H143	... M 47—45464 ...	10	F. Fernandez, Bhopal.
M61	... M 50—39393 } M 48—65622 }	10	J. Smith, Bombay.

BOMBAY,
The 5th October 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
218	... O 69—16235 ...	100	Meghraj Oswal.
	,, —16236 ...	100	
	,, —16237 ...	100	
	,, —16238 ...	100	
	,, —16239 ...	100	
	,, —16240 ...	100	
	,, —16241 ...	100	
	,, —16242 ...	100	
	,, —16243 ...	100	
	,, —16244 ...	100	
	,, —16245 ...	100	
	,, —16246 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
150	... L 55—57988 } ,, —57989 }	5	The Chief Pay Master, E. I. Railway, Calcutta.
151	... D 12—18024 } L 56—92625 }	5	Babu Bhavani Prasad Chakravarti.
152	... O 59—04195 } ,, —04165 }	20	Babu Hem Chunder Day.
153	... O 1—58717 } ,, —58710 }	10	Babu Prannath Pundit.
154	... O 57—88234 } O 55—88147 }	20	Babu Ram Churn Biswas.
155	... O 12—32274 } ,, —32275 }	10	Abdul Hosein Moola Abdul Kadur.
156	... O 17—44884 } ,, —44885 }	10	Babu Doyal Chunder Haldar.
	O 43—18209 } ,, —18206 }	10	
157	... O 46—34540 } O 47—12991 }	10	Shaik Rostum.
158	... O 55—86301 } O 58—76396 }	20	Deweurn Das Ramcoomar.
	L 21—52263 } L 23—11413 }	5	
	L 11—98618 } ,, —98617 }	5	
	L 9—40711 } ,, —40710 }	5	
159	... L 43—84569 } ,, —84568 }	10	Babu Hridoynath Sarkar.
	A 78—85221 } ,, —85223 }	10	
	L 17—36119 } ,, —36118 }	5	
	L 23—31637 } ,, —35273 }	5	
	L 23—31638 } L 24—02552 }	5	
	L 17—40908 } ,, —40904 }	5	
	L 10—72750 } ,, —72751 }	5	
238	... A 80—32408 ...	10	Dilawar Hosein Ahmed.
239	... A 96—31045 ...	10	Babu Ramchunder Dutt.
240	... O 76—29117 ...	10	Chuckaee Singh.
241	... O 58—70840 ... O 80—68775 ...	20 10	Mr. Doll Stewart.
242	... O 58—40714 ...	20	Hajee Rohimoollah.
243	... O 82—43387 ...	10	Babu Troylucko Nath Chakravarti.
244	... O 52—96483 ...	10	Mr. J. Fraser.
245	... O 68—85122 ...	100	Shew Narain Khemka.

CALCUTTA,
The 7th October 1880.

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
J 13—02677 ...	20	Mr. W. L. Granell, Bangagalore.
J 12—02293 ...	50	Mrs. J. E. Leigh, Coonoor.
J 3—01763 ...	20	Kristnappa, Head Accountant, Jagaloor Cutchery, Chickmoongaloor.
J 8—00433 ... J 9—50463 ...	5 10	Mrs. E. Thomas, Black Town, Madras.
J 7—56660 ...	5	Messrs. Delcourt & Co., Madras.

CALICUT,
The 24th September 1880.

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 11—28589 ...	20	Moomidy Pootrayya, of Coconada.

NOTE PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 10—32610 ...	10	Mullapudi Narasimharow, of Coconada.

COCONADA, }
The 24th September 1880. }

———————————,

Actg. Depy. Collr.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
78	.. E 13—76224 ...	100	Sergeant J. M. Relly, Madras Commissariat Department, *en route* to Sibi, Kandahar.
	„ —76225 ...	100	
	„ —76226 ..	100	
81	... E 12—81701 ...	20	Moti Sing, Kulu.
83	... E 17—42146 ...	20	Mr. John Usher, Lahore.
	E 13—87713 ...	100	
84	... E 7—61884 ...	5	Corporal F. J. Knight, 80th Regiment, Ferozepur.
	E 16—12254 ...	10	
	„ —55729 ...	10	
	E 17—15261 ...	20	
85	... E 13—80490 ...	100	Neezam Deen, Hoshiarpur.

LAHORE, }
The 2nd October 1880. }

C. G. VANSITTART,

Asst. to Acctt. Genl., in charge of Currency Office

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
56	... B 60—77567 ...	10	Piyulman Sahib, Moor Street, Madras.
	B 57—58906 ...	20	
57	B 40—26134 ...	5	Mrs. M. Burgery, Pondicherry.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
117	... B 46—85403 ...	5	Private John Walsh, H. M.'s 2-13th Regiment, Bangalore.
118	... B 61—44506 ...	50	Kalavay Muhammad Hussein Sahib, Currystuff-dealer, Tripliken, Madras.
119	... B 46—29699 ...	5	V. K. Raghava Chari, Superintendent, Accountant General's Office, Madras.
120	... B 60—11958 ...	10	S. Seshayya, Head Master, Government College, Bellary.

FORT SAINT GEORGE, }
The 27th September 1880. }

C. HALL,

Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept., for *Commissioner.*

NOTICE.

The halves of twelve 20-Rupee Notes of the following numbers have been found in Indore :—

TREASURIES.

Nagpore and Bombay.

Nos. F8—20487, 20489 to 20494, 20496 to 20498, 20500 and 23732.

Apply to—

H. L. ST. BARBE,

2nd Asstt. Agent to the Govr. Genl. for Central India.

POST OFFICE.

NOTIFICATIONS.

Simla, the 28th September 1880.

No. 7385.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BOMBAY.

Mr. J. H. Bedford has been appointed to be Examiner of Post Office Accounts, Southern Division.

Mr. Babajee Suddoba has been appointed to be Examiner of Post Office Accounts, Northern Division.

Mr. Ruttonjee Jamsedjee has been appointed to be Superintendent of Post Office, Ahmedabad Division.

Captain D. L. McD. Gleig has been promoted to the 2nd Grade of Superintendents, and posted to the Kattywar Division.

Mr. Moreshwar Raghoba has been promoted to the 3rd Grade of Superintendents, and appointed to be Personal Assistant to the Post Master General.

Mr. F. B. O'Shea has been appointed to be Superintendent, Post Office, Konkan Division.

Mr. Dinshaw Jijibhoi has been appointed to be Superintendent, Post Office, Khandesh Division.

Mr. Ramchundra Moreshwar Bapat has been appointed to act as Superintendent, Post Office, Khandesh Division, during the absence on privilege leave of Mr. Dinshaw Jijibhoi.

Mr. D. M. Lalcaca has been appointed to be Superintendent, Post Office, Kanara Division.

Mr. Chotulal Motiram has been appointed to act as Superintendent, Post Office, Kanara Division, during the absence on deputation of Mr. D. M. Lalcaca.

Mr. Narayan Chimnajee has been appointed to be Superintendent, Post Office, Deccan Division.

Mr. C. Smith, Superintendent, Post Offices, 4th Grade, has been promoted to the 3rd Grade.

Mr. Golam Raza Saheb, Superintendent, Post Office, 4th Grade, has been promoted to the 3rd Grade.

Mr. H. Smith has been appointed to be Superintendent, Post Office, Trichinopoly Division.

Mr. T. C. D'Rozario has been appointed to act as Superintendent, Post Office, Trichinopoly Division, during the absence on deputation of Mr. Smith.

G. J. HYNES,

Offg. Asst. Dir. Genl. of the Post Office of India.

Calcutta, the 8th October 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	16th Oct.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	11th „	Str. *Rajpootana.*
Madras and Ceylon	6-30 „	9th „	P. and O. Str. *Peshawar.*
Foreign Mails *via* Bombay	6-30 „	13th „	From Bombay.
Do. Book post and pattern packets	6-30 „	12th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	14th „	Str. *Simla.*
Chittagong, Akyab, Bassein and Rangoon	6-30 „	15th „	Str. *Medina.*
Madras, Ceylon, Batavia, Singapore and China	6-30 „	16th „	Fr. Str. *Meinam.*
Persian Gulf	6-30 „	9th „	From Bombay.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7 P. M.

W. MERRETT,

for *Presidency Post Master.*

List of Unclaimed Letters lying in the Calcutta Post Office on the 8th October 1880.

Alexander, L.	Gilbert, J.	Pickett, J.
Anderson, Miss.	Gomes, A. D.	Power, Mrs. C.
Anthony, John.	Gomes, H.	Rahemtollah Mahomed Ibrahim & Co.
Bailey, Mrs. L.	Gomes, N.	Robinson, Mrs. E.
Bell, Mrs. R.	Goodridge, R. E.	Roopchand Sadhar.
Blanche, Mrs.	Goodwin, J. D. G.	Ryves, G. F. C.
Blanchard, Sidney.	Grant, F. J. G.	Salmon, Monsieur Capt.
Broughton, Mrs.	Gray, J.	Sheilds, R.
C. M. F.	Green, Harry.	Smith, Alexander.
Campbell, James.	Hackie, Master Willie.	Stewart, G. C.
Cassilon & Co., Messrs.	Henry, J.	Thomas, J. W.
Caundoo, M. C.	Huro Lal Roy.	Thompson, Henry D.
Chopline, R. H.	Hynes, C.	Waddell, Surgeon L. A.
Cooke, Capt. E. and Mrs. L.	John Bell & Co.	Walmesley, C. C.
Daniel, —.	Lyell, Miss J.	Wallace, J.
Debendro Chundra Bose.	Macneil, Capt. L.	Watson, Revd.
Demello, A. M.	Mansell, G. Z.	Wings, Mrs.
DeSouza, B. E.	Mathesen, F.	Woothum Chund.
Bakell, Dr. (Surgeon Dentist).	Moore, John.	Wright, John (Ship *Glenroy.*)
Fletcher, S.	Narton, Washington (Manager, Merry Makers.)	

Letters marked "Care of Post Office, to be kept till called for."

Allen, Miss A.	Godlu, Francis.	Rae, William.
Andrews, S. J.	Goodridge, R. E.	Reid, R.
Anson, Capt.	Griffin, W. H.	Rishworth, J.
Austin, A. Godwin.	Hewett, Lt. W. S.	Sevastopulo, A. E.
Bailly, Harris.	Hopekirk, William.	Silvestri, Signore E.
Barker, T. W.	Hughes, Pringle.	Simpson, L.
Bernheim, Monsieur.	Hynes, Mrs.	Smallwood, Mrs. G.
Blackton, T. W.	Jackson, R. A.	Smallwood, Miss Ethel.
Brown, Miss Mary.	Jackson, W.	Smith, Douglas.
Bryne, Joseph.	Johnston, Capt.	Stuart, F.
Byford, H.	Jopp, Major Keith.	Strathmore, Miss W.
Caller, Monsieur L.	Keighley, Mrs.	Sulton, Rev. G.
C. G. C.	Kellock, R.	Temple, Miss E.
Clayton, F. G.	Lukes, Surgeon C. P.	Thompson, W.
Coombs, J. W.	Man, Alex.	Thomas, Mrs. J.
Coote, Waller.	Matson, E.	Turner, Mrs. M.
Crowlie, E. T.	Michael, G.	Usborne, W.
C. W. S.	Miller, Mrs. Annie.	Vaughan, —.
Dionysius, Haddens.	Ottley, Captain J. W.	Warde, Mrs.
Evans, J.	Pearson, Lewie.	Wilkinson, Mrs. Mary.
Evans, Mrs. P. A.	Perks, M. J.	Willie.
Foster, E. (S. S. *Booldana*).	Prendergast, Mrs. C. L.	Wilson, Alex.
Garrick, D.	"Prescilla," R.	Wright, H.
	Phelps, Mrs. C. Harris.	

Newspapers.

Crowlie, E. T.	Prendergast, Mrs.	Wilson, J. H.

Registered Letters.

Beprodas Pal Chowdry.	Dubns, E. E.	Pickett, S.

Parcels.

F. Caldrigton.

E. C. GEORGE,

Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ،

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" 25. Alteration of False Point Light. Bay of Bengal—Coast of Orissa.
" 26. Red Buoy marking smooth-water anchorage off Porcaud, Port of Alleppey.
" 27. Change in the anchorage limits of the Port, Madras.
" 28. Intended discontinuance of Light at El-Weg (Sherm Wejh), Red Sea.
" 29. Interval of intended exhibition of Blue Lights on Rockets at False Point Light-house.
" 30. Replacing of the Buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
" 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
" 32. Light at Batticaloa.
" 33. Black Buoys laid down in Calicut Roadstead to mark the limits of Foul Ground.
" 34. Light at Batticaloa.
" 35. Replacing of the Buoys off Carwar Harbour (Sedashigar).
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" 38. Light at Batticaloa.
" 39. Exhibition of a Leading Light in Suez Bay.
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" 42. Madras Semaphore.
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Vol.	VIII.	Rajshahi and Bogra.
Vol.	IX.	Murshidabad and Pabna.
Vol.	X.	Darjiling, Jalpaiguri and Kuch Behar State.
Vol.	XI.	Patna and Saran.
Vol.	XII.	Gaya and Shahabad.
Vol.	XIII.	Tirhut and Champaran.
Vol.	XIV.	Bhagalpur and Santal Parganas.
Vol.	XV.	Monghyr and Purniah.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 16, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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E. J. DEAN,
Publisher, Gazette of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 6th October 1880.

Offices opened and closed during the month of September 1880:—

Name of Station.	Where situated.	Date.	REMARKS.
Abdul Rahman	Afghanistan	15th	Re-opened.
Dhakka	Ditto	3rd	Closed.
Kach	Ditto	28th	Re-opened.
Kandahar	Ditto	15th	Ditto.
Lawrencepore	Punjab	5th	Opened.
Pali	Rajputana	19th	Closed.
Peiwar Kotal	Afghanistan	11th	Ditto.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 9th September 1880.

No. 1478.—Under the provision of Section 15, Act XI of 1865, the Agent to the Governor General is pleased to invest Mr. H. L. St. Barbe, C.S., 2nd Assistant to the Agent, Governor General, with the powers of a Judge of the Court of Small Causes, and to declare that such powers shall be exercised by him in the Mhow Court of Small Causes, during the absence on three months' privilege leave of Major Burlton.

By Order,
D. W. K. BARR,
1st Asstt. to the Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 6th October 1880.

No. 1342 G.—APPOINTMENT.—*Erratum.*—In this Office Notification No. 1059 G, dated 24th August 1880, published in the *Rajputana Official Gazette* of the 4th September 1880, at page 154, for "afternoon of the 2nd August 1880," read "forenoon of the 2nd August 1880."

By Order,
F. T. HEWSON,
Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 7th October 1880.

No. 54.—With reference to Government of India, Public Works Department, No. 399 M & C.-E. of 1st October 1880, Lieutenant F. Peel, R.E., Assistant Engineer, on rejoining the Military Works Branch, is posted to the Head Quarters Staff of the Inspector General of Military Works, which he joined on the forenoon of 5th October 1880.

The 8th October 1880.

No. 55.—Lieutenant A. Hildebrand, R.E., Assistant Engineer, on return from furlough, is posted to the Meerut Command, Military Works.

No. 56.—Conductor N. Hutchinson, Barrack Master, on return from furlough, is posted to the Presidency and Oudh Command, Military Works.

No. 57.—Mr. J. M. Harman, Assistant Engineer, passed the Departmental Standard Examination, on 8th September 1880.

The 11th October 1880.

No. 58.—Lieutenant F. T. N. Spratt, R.E., Executive Engineer, on return from field service, is posted to the Sirhind and Lahore Command, Military Works.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Meerut Command.

Meerut, the 7th October 1880.

No. 25.—Lieutenant J. T. Johnstone, R.E., Temporary Executive Engineer, 4th Grade, returned from the three months' privilege leave granted him in this Office Notification No. 14 of 5th July 1880, on the forenoon of the 28th September 1880.

No. 26.—Lieutenant J. T. Johnstone, R.E., Temporary Executive Engineer, 4th Grade, is transferred from the Agra to the Meerut Division, Military Works, the latter of which he joined on the forenoon of the 28th September 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 11th October 1880.

No. 2246.—Captain G. T. Maitland, S.C., Executive Engineer, Sialkot Division, Military Works, is allowed one month's privilege leave, with effect from the forenoon of the 6th October 1880.

H. McV. CRICHTON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 6th October 1880.

No. 23.—With reference to Director General of Railways' Notification No. 317 of 29th September 1880, Mr. R. T. Mallet, Superintending Engineer, Class II, and Captain J. A. Little, S.C., Executive Engineer, 2nd Grade, respectively, made over and received, charge of the Office of Engineer-in-Chief, Indus Valley State Railway, on the afternoon of the 9th September 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 8th October 1880.

No. 135.—The five months' sick leave sanctioned in Notification No. 23, dated 11th September 1880, by the Engineer-in-Chief, Kandahar State Railway, Jacobabad Section, to Lalla Baboo Mal, Assistant Engineer, 2nd Grade, is hereby confirmed.

No. 136.—Mr. C. Thomson, Executive Engineer, 4th Grade, is, on return from furlough, posted to the Rajputana State Railway.

The 9th October 1880.

No. 137.—Mr. H. H. Gahan, Assistant Engineer, 1st Grade, Sindia State Railway, passed the examination in the Lower Standard in Hindustani, on the 6th September 1880.

No. 138.—Mr. P. D. Barclay, Officiating Traffic Superintendent, Rajputana State Railway, is appointed Traffic Superintendent, Punjab Northern State Railway, but will continue in his present appointment till the return to duty of Mr. J. O'Callaghan, the Traffic Superintendent, Rajputana State Railway.

Mr. C. J. Keene, Traffic Superintendent, Punjab Northern State Railway, will officiate in his present appointment till relieved by Mr. Barclay.

Baboo Besheshur Nath, Assistant Traffic Superintendent, Indus Valley State Railway, is appointed Assistant to the Manager, Indus Valley and Kandahar State Railways.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

KANDAHAR STATE RAILWAY, Harnai and Gulistan Sections.

NOTIFICATIONS.

Quetta, the 5th October 1880.

No. 47.—The services of the under-mentioned Officers are temporarily placed at the disposal of the Engineer-in-Chief, Jacobabad Section, on the dates specified against their names:—

Mr. C. V. MacIvor, Executive Engineer, 3rd Grade,—on the 28th August 1880.

Mr. C. H. Clementson, Assistant Engineer, 2nd Grade,—on the 12th August 1880.

Mr. H. L. Monk, Executive Engineer, 3rd Grade,—on the 2nd August 1880.

Pundit Sivaditta Pande, Assistant Engineer, 2nd Grade,—on the 2nd August 1880.

No. 48.—With reference to Director General of Railways' Notification No. 126, dated 14th September 1880, in Part II, *Gazette of India*, Mr. L. C. Desmazures, Store-keeper, 2nd Grade, was relieved of his duties on the afternoon of the 16th August 1880, on this line.

The 7th October 1880.

No. 49.—Mr. H. N. C. Cloete, Executive Engineer, 3rd Grade, Survey Division, Harnai and Gulistan-Karez Section, availed himself, on the afternoon of the 28th September 1880, of the ten days' subsidiary leave and two years' furlough granted in Director General of Railways' Notification No. 100, dated Simla, the 16th July 1880.

R. N. HODGES,
for Engineer-in-Chief.

KANDAHAR STATE RAILWAY, Jacobabad Section.

NOTIFICATIONS.

Jacobabad, the 2nd October 1880.

No. 26.—Mr. E. H. Clementson, Assistant Engineer, is transferred from the Pirchoki Extension of this Railway to the Mittree Division, which he joined on the forenoon of the 24th ultimo.

This transfer is made in the interests of the public service.

No. 27.—Mr. A. E. Winckler, Assistant Engineer, is transferred from the Pirchoki Extension of this Railway to the Jacobabad Division, which he joined on the forenoon of the 27th ultimo.

This transfer is made in the interests of the public service.

No. 28.—With reference to the Director General of Railways' Notification No. 113, dated 18th August 1880, Mr. S. Jurman, Assistant Engineer, 2nd Grade, reported his arrival to this Section of Kandahar Railway, on forenoon of the 21st ultimo, and is attached to the Engineer-in-Chief's Office.

H. F. STOREY,
Engineer-in-Chief.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATION.

Nimach, the 9th October 1880.

No. 32.—Mr. T. Michell, Assistant Engineer, 1st Grade, on transfer from Holkar and Sindia-Nimach State Railways, reported himself for duty to Engineer-in-Chief on the forenoon of the 9th instant, and is posted to 1st Division, Nimach-Nasirabad State Railway.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Pindi Junction to Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 5th October 1880.

No. 36.—In continuation of this Office Notification No. 33 of 1st September 1880, Mr. F. L. O'Callaghan, Engineer-in-Chief, Pindi Junction to Peshawar Section, returned from one month's privilege leave granted him under Director General of Railways' Notification No. 278, dated 17th August 1880, on the forenoon of the 1st October, and assumed charge from Captain Gracey, R.E.

The 7th October 1880.

No. 37.—In continuation of this Office Notification No. 31, dated 27th August 1880, Mr. J. Hogan, Assistant Engineer, 1st Grade, reported his departure from the Attock Bridge Division, to join the Peshawar Division on the forenoon of 9th September 1880.

The 8th October 1880.

No. 38.—Referring to this Office Notification No. 34 of 6th September 1880, Mr. H. J. Oddie, Assistant Engineer, 2nd Grade, availed himself of three months' leave on medical certificate, on the forenoon of the 6th August 1880, and not on the forenoon of the 4th August as therein stated.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Rathial-Pindi Section.

NOTIFICATION.

Rawalpindi, the 5th October 1880.

No. 14.—Referring to the Director General of Railways' No. 2512 E, dated 30th September 1880, Mr. H. S. Harrington, Assistant Engineer, 1st Grade, is granted privilege leave for two months, with effect from 12th September 1880.

CHAS. C. A. BULL,
Supdt. of Way and Works.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 30th September 1880.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Coorg ...	July 1880	Sept. 14, 1880
2	Assam ...	Do. ,,	Do. 16, ,,
3	Port Blair ...	Do. ,,	Do. 21, ,,
4	Punjab ...; Military Works Branch...	Do. ,,	Do. 22, ,,
6	North-Western Provinces and Oudh.; Rajputana ...; Quetta Agency ...; Mysore ...	Do. ,,	Do. 23, ,,
10	Central Provinces ...	Do. ,,	Do. 24, ,,
11	British Burmah ...; Central India ...	Do. ,,	Do. 25, ,,
13	Bengal ...	Do. ,,	Do. 27, ,,
14	Hyderabad {(Imperial) ... (Assigned) ...}	Do. ,,	Do. 28, ,,
16	Madras ...	Do. ,,	Do. 29, ,,
17	Bombay ...	June ,,	Do. 9, ,,

TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Indo-European ...	June 1880	Aug. 27, 1880
2	Indian ...	Do. ,,	Do. 30, ,,

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam ...	July 1880	Sep. 10, 1880
2	British Burmah ...	Do. ,,	Do. 11, ,,
3	Rajputana ...	Do. ,,	Do. 15, ,,
4	North-Western Provinces and Oudh.; Punjab ...	Do. ,,	Do. 23, ,,
6	Bengal ...	Do. ,,	Do. 27, ,,
7	Madras ...	Do. ,,	Do. 29, ,,
8	Bombay ...	June ,,	Do. 9, ,,

GUARANTEED RAILWAYS.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bengal ...	July 1880	Sep. 21, 1880
2	Punjab ...	Do. ,,	Do. 22, ,,
3	North-Western Provinces and Oudh.	Do. ,,	Do. 24, ,,
4	Bombay ...	June ,,	Do. 8, ,,

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	July 1880	Sep. 13, 1880
2	State Railway Stores Branch.	Do. ,,	Do. 16, ,,
3	Umballa and Kalka ...	Do. ,,	Do. 18, ,,
4	Sindia ...; Muttra-Hathras ...; Cawnpore-Farukhabad; Ghazipur-Dildarnagar ...; Achnera-Muttra ...; N.-W. P. Light Railway Surveys.; Bareilly-Pillibhit ...	Do. ,,	Do. 21, ,,
11	Indus Valley ...; Mysore ...	Do. ,,	Do. 23, ,,
13	Nulhati ...; Northern Bengal ...; Tirhoot ...; Patna and Gya ...	Do. ,,	Do. 24, ,,
18	Bhopal ...; Calcutta & South-Eastern; Punjab Northern ...; Lala Moosa to Chak Nizam	Do. ,,	Do. 25, ,,
21	Rajputana ...; Holkar ...; Indore-Nasirabad ...; Nagpur-Chhattisgarh ...; Dhond and Manmad ...; Kandahar ...; Eastern Deccan ...	Do. ,,	Do. 27, ,,
28	Wardah Coal ...; Kathiawar ...	Do. ,,	Do. 29, ,,
30	Western Rajputana (North-ern Section).	Do. ,,	Do. 30, ,,
31	Western Rajputana (Southern Section).	June ,,	Do. 14, ,,

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	July 1880	Sep. 13, 1880
2	Muttra-Hathras ...	Do. ,,	Do. 21, ,,
3	Northern Bengal ...	Do. ,,	Do. 22, ,,
4	Nalhati ...; Dhond & Manmad ...	Do. ,,	Do. 24, ,,
6	Calcutta & South-Eastern	Do. ,,	Do. 25, ,,
7	Patna and Gya ...; Holkar & Sindia-Nimach; Wardah Coal ...; Punjab Northern ...; Indus Valley ...	Do. ,,	Do. 27, ,,
12	Nagpur-Chhattisgarh ...	Do. ,,	Do. 28, ,,
13	Tirhoot ...	Do. ,,	Do. 29, ,,

The 7th October 1880.

A. J. FILGATE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Akola Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
C 78—77800 ...	20	Mrs. M. Shannon, Matron, Vepery Hospital, Madras.
K 2—30626 ...	20	Rowjee Khunderow Korde, of Baroda, in Guzerat.

AKOLA, *The 6th October 1880.*

C. W. A. DAVIES,
Asstt. Commr. of Paper Currency.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W59 ...	M 34—82040 ...	20	Rungapa Soobro, Sersi.
	M 8—58789 ...	5	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
H144 ...	M 50—10177 ...	10	L. P. Pereira, Bombay.
H145 ...	M 36—09481 ...	100	J. M. D'Silva, Bhasawal.
	,, —22526 ...	100	
	M 25—71402 ...	100	
	,, —79575 ...	100	
	,, —94096 ..	100	
H146 ...	M 43—10949 ...	100	Dulichand Deoria, Jubbulpur.
M62 ...	M 3—35409	5	Ibrahim Peer Mahomed, Bombay.
	,, —35408		
M68 ...	M 34—[illegible]03	20	O. Gyri, Bombay.
	,, —69[illegible]8		

BOMBAY, *The 12th October 1880.*

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
J 12—06962 ...	50	A. Cotterell Tupp, Esq., Glencœ, Ootacamund.

CALICUT, *The 7th October 1880.*

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
86 ...	E 1—46581 ...	1,000	Sardar Lalmun and Bhai Hurdit Singh, Jummoo.
87 ...	E 1—46565 ...	1,000	Abdool Azeez, 107, Chitpur Road, Calcutta.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
138 ...	E 13—77191 ...	100	Lieutenant G. H. Ovens, Benares.
139 ...	E 15—70908 ...	50	Fuzulud Din, of Nabha, through Wazir Bux, Gujrat.
142 ...	E 15—48583 ...	50	Dr. Robertson, through Dr. G. C. Hall. Allahabad.
	,, —48584 ...	50	
143 ...	E 2—47586 ...	500	Kaka Mull, Jhelum.

LAHORE, *The 9th October 1880.*

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
58 ...	B 47—01279 ...	5	Madalamutu Pillai, Pensioned Vaccinator, Putur Trichinopoly.
59 ...	B 61—52628 ...	50	Muhammad Ghous, care of Muhammad Manudin Sahib, Clerk, Pay Examiner's Office, Fort St. George.
	,, —53908 ...	50	
	,, —55879 ...	50	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
121 ...	B 59—61638 ...	100	Nadiga Ranganna, Shimoga.
	B 62—98198 ...	100	
122 ...	B 62—98015 ...	100	Mr. John Walls, Tadpatri.
17 ...	B 57—61355 *	20	M. Venkatachala Nayadu, 117, Varada Mutiappen Street, Madras.
	,, —61354		

* Wrongly joined.

FORT SAINT GEORGE, *The 4th October 1880.*

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
H13 ...	F 9—81678 ...	50	Mr. J. L. Clarke, of Jubbulpore.

NAGPUR, *The 7th October 1880.*

GODREZJEE D. PUDUMJEE,
Offg. Asst. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is

produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on some date unknown in August 1880, certain treasure, to wit—

Sixty-one (49 double and 12 single) "lari" or wire coins, with the Mahomedan kalma stamped on them,

was found in the Battana village of Taluka Bassein, of the Thana Collectorate.

All persons claiming the said treasure or any part thereof, are hereby required to appear personally, or by agent, before the Collector of Thana, on the 1st day of March 1881, at his office, when the Collector will proceed to hold an inquiry in accordance with the provisions of the Act.

W. B. MULOCK,
Acting Collector.

THANA COLLECTOR'S OFFICE,
The 8th October 1880.

Report of a Deserter from the 1st Battalion, 17th Regiment of Foot, dated at Peshawar, this 7th day of October 1880.

Number, Rank, and Name,—No. 1629, Private Henry McMahon.
Age,—22 years.
Size,—5 feet 6½ inches.
Color of—
Complexion, dark; Hair, dark; Eyes, hazel.
Date of Desertion,—4 A.M., 5th October 1880.
Place of Desertion,—Peshawar.
Date of Enlistment,—6th December 1876.
At what Place Enlisted,—Bangalore, East Indies.
Parish and County in which Born,—Bangalore, East Indies.
Marks,—None.
Trade,—None before enlistment.
Coat or Jacket,— } Plain clothes of dark colour.
Waistcoat,— ... } or
Breeches } or
Trowsers,— ... } Plain clothes of dark colour.
REMARKS,—This soldier was employed detached from the regiment on transport duty, and will probably have a sum of money in his possession.

W. D. TOMPSON, *Lieut.-Col.,*
Comdg. 1-17th Regt.

NOTICE.

The halves of twelve 20-Rupee Notes of the following numbers have been found in Indore:—

TREASURIES,
Nagpore and Bombay.

Nos. F8—20487, 20489 to 20494, 20496 to 20498, 20500 and 23732.

Apply to—

H. L. ST. BARBE,
2nd Asstt. Agent to the Govr. Genl. for Central India.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 15th October 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	23rd Oct.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	18th „	Str. *Khandalla.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *via* Hong-Kong for Yokohama; also for Australian Colonies	6-30 „	19th „	From Bombay.
Foreign Mails *viâ* Bombay	6-30 „	20th „	From Bombay.*
Do. Book post and pattern packets	6-30 „	19th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	21st „	Str. *Kilwa.*
Chittagong, Akyab, Kyouk Phyoo, Bassein and Rangoon	6-30 „	22nd „	Str. *Mahratta.*
Madras, Ceylon, Batavia, Singapore and China	6-30 „	16th „	Fr. Str. *Meinam.*
Persian Gulf	6-30 „	16th „	From Bombay.

* Also *viâ* Aden, Mails for Zanzibar, Mozambique, Natal and the Cape of Good Hope; also *viâ* Aden for Mauritius, Make (Seychelles), Mayotte, Nossi Be and Reunion can be forwarded.

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 15th October 1880.

Atkinson, Alexander.
Baney Madhub Dey.
Blanche, Mrs.
Blanchard, Sidney.
Broughton, Mrs.
Browne, Arthur.
Burns, Mrs. J.
Burrows, C.
Butler, F.
Cassilon & Co., Messrs.
Caundoo, M. C.
Chopline, R. H.
Christy, H.
Christian, Solomon.
Cooke, Capt. E. and Mrs. L.
Cross, Mrs. J.
Daniel, Mrs. J. E.
DaCosta, Miss J. C.
Debendro Chundra Bose.
Delany, W. J. N.
DeSouza, R. E.
Dorling, Mrs.
Emes, R.
Eskell, Dr. (Surgeon Dentist).
Gabriel, C.
Gasper, G.
Gomes, H.
Goodridge, R. E.
Goodwin, J. D. G.
Graham, W. A. F.
Grant, E. A., Mrs.
Gray, J.
Gregory, R. A.
Green, Harry.
Hackie, Master Willie.
Hanley, W. D. A.
Hastings, Miss.
Hing, Mrs. E.
Hynes, C.
Jones, Mrs. A.
Kelly, Mrs. K.
Kowldharee Lall.
Law, Monsieur James.
Londberg.
Lewis, F. T.
Lyell, Miss J.
Macneil, Capt. L.
Mail, Mrs. E.
Manager, Caledonia Press.
Morris & Co.
Patterson, J. W. K.
Pelchel, Miss E.
Peters, Mrs. James.
Peyton, J.
Rae, J. B.
Regina, Madame.
Rodgers, M.
Rogers, J. W.
Roopchand Sadhar.
Ryves, G. F. C.
Sahnon, Monsieur Capt.
Smith, Alex.
Smith, G.
Stewart, G. C.
Thomas, J. W.
Wallace, J.
Williams, E. J.
Williams, W. G.
Wise, J. W.
Wright, Mrs.

Letters marked "Care of Post Office, to be kept till called for."

Allen, Miss A.
Andrews, S. J.
Anson, Capt.
Austin, A. Godwin.
Baily, Harris.
Barker, T. W.
Bernheim, Monsieur.
Blackton, T. W.
Brown, Miss Mary.
Bruce, Mrs.
Bryne, Joseph.
Byford, H.
Caller, Monsieur L.
C. G. C.
Clarke, Lt., 2-9th Regt. Foot.
Coombs, J. W.
Coote, Waller.
Crowlie, E. T.
C. W. S.
Evans, J.
Evans, Mrs. P. A.
Foster, E. (S. S. *Booldana*).
Garrick, D.
Godfu, Francis.
Gordon, E. F.
Griffin, W. H.
Hay. G.
Hewett, Lt. W. S.
Hopekirk, William.
Hughes, Pringle
Hynes, Mrs.
Jackson, R. A.
Jackson, W.
James, J. D. R.
Johnston, Capt.
Jopp, Major Keith.
Keighley, Mrs.
Kellock, R.
Man, Alex.
Matson, E.
Michael, G.
Miller, Mrs. Annie.
Ottley, Captain J. W.
Pearson, Lewie.
Perks, M. J.
Prendergast, Mrs. C. L.
"Prescilla," R.
Phelps, Mrs. C. Harris.
Rae, William.
Reid, R.
Rishworth, J.
Sevastopulo, A. E.
Simpson, L.
Smith, Douglas.
Stuart, F.
Strathmore, Miss W.
Sulton, Rev. G.
Thompson, W.
Thomas, Mrs. J.
Turner, Mrs. M.
Usborne, W.
Waddell, Surgeon La.
Warde, Mrs.
Wilkinson, Mrs. Mary.
Willie.
Wright, H.

Newspapers.

Buchanan, Beverley.
Crowlie, E. T.
Griffin, W. H.
Morton, M.
O'Brien, S. H. G.
Prendergast, Mrs.
Usborne, W.
Wilson, J. H.

Registered Letters.

Beprodas Pal Chowdry.
Dubus, E. E.
Pickett, E.

Parcel.

F. Caldrigton.

E. C. GEORGE,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, ***for cash only,*** **at the under-noted rates:—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;*** per pound tin, ***Rs. 20.*** **This medicine is also sold** by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا كوئيناكين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ،

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه،

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا بارهٔ آنه ،

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	REMARKS.
			Rs.	
Bull's Dredgers	39	1½ cubic feet	40	These have been used, but are in good condition.
Ditto	113	2½ ditto	65	
Ditto	9	6 ditto	120	
Ditto	50	1½ ditto	75	These have never been used.
Ditto	22	2½ ditto	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates.	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set:

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MESSRS. THACKER, SPINK AND CO., CALCUTTA;
MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a set.

Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of Superintendent of Government Printing, 8, Hastings Street.

Indian Ocean—

Indian Ocean, Curves of equal magnetic variation. *Annas 8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Salaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chercapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast, Bay of Bengal, Ceylon, &c.—

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Moelctivoe. *Annas 8.*
Colombo Harbour and its approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Rs. 2.*
Bay of Bengal, Eastern Sheet. *Rs. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30′ N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
Hooghly River.—Luff Point to Anchoring Creek, showing the James and Mary Shoals and entrance to the Roopnaram River. *Re. 1-8.*
False Point to Mutlah River, showing the approaches to Sandheads From the latest Government Surveys. *Re. 1*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Coronge Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Coast of Tenasserim—Tavoy River, from a sketch by Lieutenant R. Moresby, with Corrections and Additions *Re. 1.*
Port Mouat, Andamans.

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lom Chang P'ra. *Re. 1.*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1.*
Lacon Roads. *Re. 1.*
Samuie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

Ditto ditto for 1878. *Price, Rs. 2.*

Ditto ditto for 1879. *Price, Rs. 2.*

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{293}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.

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„ 2. Malwan Rock, Malwan.
„ 3. Fixed white light at Dwarka, Kattywar.
„ 4. Mooram Shulli Tivo Island, and Devil's Point, Gulf of Mannar.
„ 5. (1) Fixed light at Vizagapatam.
(2) Coral shoal of Caltura, Ceylon.
(3) Rock off Barberyn Island.
„ 6. Foundering of the Buoy Vessel *Mata Mata*, Rangoon.
„ 7. (1) Revolving Light near Acheen Head, Malacca Strait.
(2) Auxiliary Light to above.

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„ 2. Exhibition of Hope Island Light, Coromandel Coast.
„ 3. Prohibited anchorage near the British Indian Submarine Telegraph Cable, Madras.
„ 4. (1) Pulo Brasse auxiliary Light, Malacca Strait.
(2) Island between Pulo Nias and Sumatra.
„ 5. Vessels trading to Reunion, Indian Ocean.
„ 6. Replacement of the Buoy on the western edge of Delphin Shoal, Chittagong Coast.
„ 7. China Bakeer Light, Martaban Gulf.
(2) Intended exhibition of Light on the Oyster Reef.
„ 8. Fixed white Light at Veráwal.
„ 9. Buoyage of Kyouk Phyou, British Burma.
„ 10. Fixed white Light at Bet or Beyt (Gulf of Cutch), Kattywar.
„ 11. Fixed white Light at Porbandar, Kattywar.
„ 12. (1) Displacement of the Buoy in Narakel Roadstead, Cochin.
(2) Buoy marking the smooth-water anchorage to the southward of Alipee (Aulapolay), Travancore.
„ 13. (1) Intended Light on Pulo Pisang, Malacca Strait.
(2) Sunken reef in Siberoet Strait, Sumatra, West Coast.
No. 14. Deposit of stone mound at the end of the breakwater Colombo, Ceylon.
„ 15. Period of exhibition of the *blue* Light during the South-west monsoon, from the Eastern Channel Light-vessel at the entrance to River Hooghly.
„ 16. Rock near west end of Pulo Brasse.
„ 17. (1) Beacon on two-fathom patch off Batticaloa Road, Ceylon.
(2) Suspension of Light at Vizagapatam.
„ 18. Directions for Kurrachee Harbour.
„ 19. Beacon on two-fathom patch off Batticaloa Road, Ceylon.
„ 20. Fixed Light at Calingapatam Point, Coromandel Coast.

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„ 2. Dangers at Goa and Marmagao Roadsteads.
„ 3. Existence of rocky patches, Beypore.
„ 4. Pooree Port limits, Orissa Coast.
„ 5. Extension of the Hajamri Mouth of the River Indus.
„ 6. Red Lights at Port Victoria, Mahe, Seychelles.
„ 7. Light at Port Berberah, Gulf of Aden.
„ 8. Rock off Hingie Island, Bassein River.
„ 9. Rock off Pegu Coast.
„ 10. Coral Patch near Sultan Shoal, Singapore Strait.
„ 11. "Intermediate" Light-ship, entrance to River Hooghly.
„ 12. Position of Cochin Light-house.
„ 13. Position of Raleigh Rock, and additional beacons, Bombay.
„ 14. Buoy, marking Gindurah Rock, Galle.
„ 15. Alteration in Manora Point Light, Kurrachee; and discovery of a bank near Towak Island, Red Sea.
„ 16. Dangerous rocks in Forrest Strait, Mergui Archipelago, and Richelieu Rock off Kopah Inlet.
„ 17. Alteration in position of "Intermediate" Light-ship, entrance to River Hooghly.
„ 18. Destruction of the Krishna Shoal Light-house.
„ 19. Correct position of Santipilly Light-house.
„ 20. Anchorage Buoys in Madras Roadstead.
„ 21. Light-vessel near Krishna Shoal, Burma.
„ 22. Additional information, Krishna Shoal Light-vessel and Light at Pooree.
„ 23. Alteration of position of Chittagong Lights.
„ 24. Night Signals shown by British Pilot Vessels in the English Channel.

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„ 4. Corrected position of Krishna Shoal Light-vessel.
„ 5. Alteration of colour of Chittagong beacons, and intended alteration in Dolphin Rock Light, Bombay.
„ 6. Alteration of Malwan Light.
„ 7. Kintoan Light-vessel, Yang-tse-Kiang.
„ 8. Burgess Rock off Hingie Island, Bassein River, Burma.
„ 9. Fairway Buoy at False Point, Orissa.
„ 10. (1) Intended Light and Fog Signal on Little Basses Rocks, Ceylon.
(2) Intended alteration in Great Basses Rocks Fog Signal.
„ 11. Corrected positions of Zebayir Islands, Jebel Zukur, and the Hanish Islands, Red Sea.
„ 12. Fog Signals and distinguishing marks for Light-vessels, River Hooghly.
„ 13. Exhibition of Light on Little Basses Rocks, Ceylon.
„ 14. Beacon on Choul Kadu Rock, Bombay.
„ 15. Shoal near Tumb Island (Jazirat Tanb), Persian Gulf.
„ 16. Light at Batticaloa, Ceylon.
„ 17. Upper Gasper Light-vessel, entrance to River Hooghly.
„ 18. Red Lights on North Groin of Harbour Works, Madras.
„ 19. Reported Shoal, N. E. of Bahrein, Persian Gulf.
„ 20. Alteration of colour of light at Klang Strait, Strait of Malacca—Salangore—Malay Coast.
„ 21. Additional information concerning the Reported Shoal, N. N. E. of Bahrein.
„ 22. Deposit of Stone, eastward of Harbour Works, Madras.
„ 23. Reported Shoal, North-West of Cheduba Island.
„ 24. Exhibition of blue lights and Maroons at Krishna Shoal Light-vessel.
„ 25. Deposit of Stone, eastward of Harbour Works, Madras (additional information).
„ 26. Vessels prohibited from anchoring near the Sub-marine, Telegraph Cable between Diamond Island and the mainland.
„ 27. Intended exhibition of a revolving Light at Vakalapudi, in the Godavery District.

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„ 3. Revolving Light at Vakalapudi in the Godavery District.
„ 4. Intended alteration in False Point Light.
„ 5. Shifting of the entrances to Honore (Honawar) and Mangalore on the Malabar Coast.
„ 6. Fixed Light at Roji (Nowa Nugga) in the Gulf of Cutch.
„ 7. Fixed Light at the entrance to Toona Creek in the Gul of Cutch.
„ 8. Fixed Light at Goapnath Point in the Gulf of Cambay.
„ 9. Wreck-marking vessels.
„ 10. The alteration in the position and improvement of Poorce Port Light.
„ 11. Shoal Coral Ground in Strait of Banka.
„ 12. Delagoa Bay.—Removal of Cockburn Light-vessel in bad weather.
„ 13. (1) Alteration in position of Beacons and Leading Lights—Burnett River Entrance, Australia. (2) Fixed Light on Flap-Top Islet—Pioneer River—Rocky Islets. (3) Revolving Light on Low Isles—Trinity Bay. (4) Leading Lights at Cook Town—Endeavour River Entrance—Cook Harbour.
„ 14. Sunken dangers between Alguada Reef and Diamond Island—Bay of Bengal.
„ 15. Flashing White Light on Puysegur Point—New Zealand.
„ 16. Dangerous rocks, N. N. W. and S. E. of the Southernmost of the Brothers Islands—Andaman Islands.
„ 17. Australia—South-coast. Gulf of St. Vincent. (1) Prohibited Anchorage near Telegraph cable. Port Phillip. (2) Buoys marking Battery Practice Range at Williams Town. (3) Fixed and Flashing Light on North Reef.
„ 18. Longitude of the Time Ball, Calcutta, and of Saugor Light-House, River Hooghly.
„ 19. (1) Discontinuance of additional Light at fourth Point—Sunda Strait—Java.
(2) Shoal in the Fairway to Batavia Road.
(3) Fixed Light on Meinder's Reef—Madura Strait.
„ 20. (1) Shoal ground westward of Durnford Point—South Coast of Africa.
(2) Distinguishing features marking the Entrance to Tugela River.
(3) Ditto, Entrance to Umhloti River.
„ 21. Buoys off Carwar Harbour (Sedashigar).
„ 22. (1) Alterations in Lights at St. Paul and St. Denis, Réunion Island.
(2) Harbour Light at St. Pierre.
„ 23. Buoys off Carwar Harbour (Sedashigar).
„ 24. Buoys and Beacons. Zanzibar Harbour.
„ 25. Alteration of False Point Light—Coast of Orissa.
„ 26. Red Buoy marking smooth-water anchorage off Porcaud, Alleppey.
„ 27. Change in the anchorage limits of the Port of Madras.
„ 28. Intended discontinuance of Light at El-Weg (Sherm Wej-h), Red Sea.
„ 29. Interval of intended exhibition of Blue Lights and Rockets at False Point Light-house.
„ 30. Replacing of the Buoys at the entrance to Cochin Harbour and extinguishing of Narrakel Light.
„ 31. Range of visibility of the Light exhibited from Krishna Shoal Light-vessel.
„ 32. Light at Batticaloa.
„ 33. Black Buoys laid down in Calicut Roadstead to mark the limits of Foul Ground.
„ 34. Light at Batticaloa.
„ 35. Replacing of the Buoys off Carwar Harbour (Sedashigar).
„ 36. Telegraph Buoy, south of Aden.
„ 37. Black Buoy off Point Gordeware (Godavery).
„ 38. Light at Batticaloa.
„ 39. Exhibition of a Leading Light in Suez Bay.
„ 40. Madras Semaphore.
„ 41. Black Buoy off Point Gordeware (Godavery).
„ 42. Madras Semaphore.
„ 43. Buoys at Calicut.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.

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Settlement Manual, 1879. Published by the authority of the Board of Revenue, Lower Provinces. *Price, Re. 1-8; packing and postage, 2 annas.*

Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

The Report of the Rent Law Commission, with the Draft of a Bill to consolidate and amend the Law of Landlord and Tenant in Bengal. Vols. I and II. *Price, Rs. 3-8; packing and postage, 9 annas.*

Annual Report on Colonial Emigration for 1878-79. *Price, 12 annas per copy; packing and postage, 3 annas.*

Moore's Manual of Family Medicine for India, Third Edition. *Price—*
To Government Officers (except those mentioned below) and to the public at large. *Rs. 4.*
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Annual Report on Inland Emigration for 1878-79. *Price, Re. 1 per copy; packing and postage, 3 annas.*

Papers regarding the Tea Industry in Bengal. *Price, Rs. 3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, Re. 1-8; postage, 1 anna.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, Rs. 3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, Rs. 5; Colored Map, Rs. 2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, Re. 1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDER KERR, Deputy Magistrate, on special duty. *Price, Rs. 8; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, Rs. 3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, Rs. 10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, Rs. 2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, Rs. 3; postage, 3 annas.*

The Bengal Administration Report for 1878-79. *Price, Rs. 6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, Rs. 4-8; postage, 8 annas.*

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The Bengal Administration Report for 1875-76. *Price, Rs. 4-8; postage, 7 annas.*

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Map of Bengal, 1874-75. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

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The Bengal Administration Report for 1872-73. *Price, Rs. 7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, Rs. 3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government *Price, Re. 1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Price, per volume, Rs. 4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Bhagalpore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, Rs. 30; packing and postage, Re. 1-4.*

Further Notes on the Rungpore Records. Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, Re. 1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, Rs. 5; postage, 4 annas.*

Selections from Divisional and District Annual Administration Reports, 1872-73, with the Government Resolutions on them. *Price, Rs. 5; postage, 6 annas.*

Selections from the Supplement to the *Calcutta Gazette*, 1871 to 1874. *Price, Rs. 2-8; postage, 3 annas.*

The Quarterly Civil List for Bengal, corrected up to the 1st July 1880. *Price, Rs. 3; postage, 4 annas.*

Progressive Colloquial Exercises in the Lushai Dialect of the Dzo or Kuki Language. With Vocabularies and Popular Tales (notated). By Captain THOMAS HERBERT LEWIN, B.S.C., Deputy Commissioner, Chittagong Hills. *Price, Rs. 6; postage, 3 annas.*

Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, Rs. 3; postage, 3 annas.*

Descriptive Ethnology of Bengal. By EDWARD TUITE DALTON, C.S.I., Colonel, Bengal Staff Corps; Commissioner of Chutia Nagpur: Member of the Asiatic Society of Bengal, &c. *Illustrated by Lithograph Portraits copied from Photographs.* Printed for the Government of Bengal, under the direction of the Council of the Asiatic Society of Bengal.

Price—Bound copies	...	... Rs. 45 0 0
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The Statistical Reporter, edited by H. J. S. COTTON, Junior Secretary to the Government of Bengal.

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Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, Re. 1; postage, 1 anna.*

Abstract of the Rules of the Road at Sea. *Price, Re. 1-4; packing and postage, 1 anna.*

The Book named below having been declared a part of the obligatory equipment of Emigrant vessels, is now obtainable at the Bengal Secretariat Press at the price noted:—

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 23, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 13th March 1880.

From the 3rd April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Report, will be published at Simla. After the 27th March, all Notifications and other matter intended for publication in those Parts, should be forwarded to the Officiating Publisher at Simla.

Parts II and III and the Supplement will continue to be published in Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

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E. J. DEAN,
Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 11 of 1880.

HINDOSTAN—WEST COAST.
BOMBAY.

Kenery (Kundari) Island Light—Intended Alteration.

Notice is hereby given that on and after the 1st April 1881, a *red* ray will be shown from the Kenery (Kundari) island light. This ray will cover the dangers lying seaward of Alibagh and Choul, as also the Choul Kádu rocks; and will be visible between the bearings of North and N. N. W. ¼ W.

[*Bearings are Magnetic and from seaward. Variation 1° 0′ Easterly in 1880.*]

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.)*,
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 9th October 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 738, 2736 and 826. Sailing Directions, West Coast of Hindostan Pilot, page 125; also Light list for 1880.

INDIAN MARINE SURVEY Charts, Nos. 1231 and 15. Light list for 1880. Also Taylor's Sailing Directory, Vol. I, page 385.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 12 of 1880.

EASTERN ARCHIPELAGO.

SUNDA STRAIT—SUMATRA.

Flashing Light on Flat Cape.

With reference to Notice to Mariners, No. 3 (1), issued from this Department on the 4th February 1878, on the intended establishment of a light on Flat cape (Vlakken hook or Pamantyoss point), north-west entrance point of Sunda Strait:—

The Netherlands Government has given further notice that the light is now exhibited:—

The light is a *Flashing* light, elevated 205 feet above high water, visible seaward between the bearings of S. 42° E. and N. 58° W., except where it is obscured by Little Fortune (Klein Fortuin or Batoe Ketyil) islet, between S. 72° E. and S. 76° E.: it should be seen in clear weather from a distance of 21 miles.

Position, approximate, lat. 5° 58′ 50″ S., long. 104° 30′ 40″ E.

[*The bearings are Magnetic. Variation ½° Easterly in 1880.*]

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 15th October 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2056, 2761, 941*a* and 748*b*, and Sailing Directions, China Sea Directory, Vol. I, 1878, page 170, and Light List for 1880.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 13 of 1880.

EASTERN ARCHIPELAGO.
JAVA—SUNDA STRAIT.

Destruction of First Point Lighthouse.

The British Hydrographic Office has notified that Telegraphic information, dated 8th September 1880, has been received from the Officer Commanding the Naval Forces in the Dutch Indies, to the effect that the stone lighthouse on First Point (Tanjong Koelong), the south point of entrance to Sunda Strait, has been thrown down by a violent earthquake.

By Direction of the Government of India,

R. C. CARRINGTON,
In charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 16th October 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 2056, 2761, 941*a* and 748*b*, and Sailing Directions, China Sea Directory, Vol. I, 1878, page 161, and Light List for 1880.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 14 of 1880.

EASTERN ARCHIPELAGO.
BALY ISLAND.

Harbour Light at Beliling.

The Netherlands Government has given notice that a harbour light is now exhibited at Beliling (Papejan Beliling), near Sangsit, north coast of Baly Island.

The light is a *fixed* white light, and should be visible in clear weather from a distance of 8 miles.

Position, lat. 8° 6′ S., long. 115° 3′ E.

By Direction of the Government of India,

R. C. CARRINGTON,
in charge of Office,

for A. DUNDAS TAYLOR, *Comdr. (late I. N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 16th October 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts Nos. 934 and 941*b* and Light List for 1880.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

NOTICE TO MARINERS.

No. 15 of 1880.

CHINA SEA.
CARIMATA STRAIT.

Position of Gwalia Reef.

With reference to the existence of a shoal reported in lat. 1° 12½′ S., long. 108° 43½′ E. which the British ship *Gwalia* was totally wrecked on 15th February 1880:—

The British Hydrographic Office has notified that the following further particulars have been received from Lieutenant and Commander W. H. J. Nowell, H.M.S. *Foxhound*, resulting from an examination of the locality made in May 1880:—

This danger (*Gwalia reef*) is of coral formation, nearly circular in shape, and about half a mile in diameter; the general depths over it are from 3 to 4 fathoms, but there are two patches, breaking at low water, on which the least depth found was 4 feet; the reef lies with the following bearings, *viz.*—

Carimata peak . . .	S. 34° E.
Panambungan North peak .	S. 81° E.

Position as given, lat. 1° 3′ S., long. 108° 33′ E.

During the *Foxhound's* stay the current set W.S.W. from one to two knots per hour; the rise of tide was observed to be about 7 feet, one high and one low water occurring in the 24 hours.

[*The bearings are Magnetic. Variation 1¼° Easterly in 1880.*]

By Direction of the Government of India,

R. C. CARRINGTON,
in charge of office,

for A. DUNDAS TAYLOR, *Comdr. (late I. N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department,
The 18th October 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts Nos. 2160, 941*a*, and 748*b*., and Sailing Directions, China Sea Directory, Vol. I, 1878, page 317, Hydrographic Notice No. 10 (page 6) of 17th May 1880.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

BANK OF BENGAL.

NOTICE.

Calcutta, the 20th October 1880.

The Directors have made the following change in the Bank's Establishment:—

Mr. W. W. Apperley has been appointed to act as Agent at Cawnpore during the absence on leave of Mr. H. B. Sterndale.

R. HARDIE,
Secretary & Treasurer.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 20th October 1880.

No. 39.—With reference to this Office Notification No. 35, dated 18th September 1880, Mr. J. Wood-Mason, Officiating Superintendent, Indian Museum, has returned from privilege leave, and took over charge of his office on the forenoon the 7th October 1880.

By Order of the Trustees,

H. B. MEDLICOTT,
Honorary Secretary, Trustees, Indian Museum.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 21st October 1880.

No. 21.—Mr. R. DeG. Naylor, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for thirty days, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 2nd October 1880.

The 22nd October 1880.

No. 22.—Mr. C. Duffin, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for one month and ten days, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 12th October 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

SURVEY OF INDIA.

NOTIFICATIONS.

Mussoorie, the 6th October 1880.

No. 192.—Colonel John Macdonald, Deputy Superintendent, 2nd Grade, is granted subsidiary leave, from 1st to 30th November next, preparatory to retirement from the service.

The 11th October 1880.

No. 193.—Captain T. H. Holdich, R.E., Officiating Deputy Superintendent, Survey of India, is granted privilege leave for three months, with effect from the date of his availing himself of it.

No. 194.—Captain G. W. Martin, S.C., Assistant Superintendent, Survey of India, is granted privilege leave for three months, with effect from the date of his availing himself of it.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

Calcutta, the 20th October 1880.

No. 195.—Mr. M. G. Ogle, Surveyor, 4th Grade, Survey of India, is granted three months' privilege leave, with effect from such date as he may avail himself of the same.

R. V. RIDDELL, *Capt., R.E.,*
Asst. Surveyor General,
In charge, Surveyor General's Office.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 21st October 1880.

No. 11.—Mr. H. R. Littlewood, Surveyor, 3rd Grade, is granted privilege leave for three months, under Section 13, Supplement F, of the Civil Leave Code, with effect from the forenoon of the 1st September 1880.

The 21st October 1880.

No. 12.—Mr. G. Jarbo, Assistant Surveyor, 1st Grade, is granted privilege leave for two months, under Section 13, Supplement F, of the Civil

Leave Code, with effect from the forenoon of the 1st October 1880.

J. SCONCE, *Lieut.-Col.,*
Deputy Surveyor General.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 13th October 1880.

No. 12.—Lieutenant W. H. Chippindall, R.E., Executive Engineer, 4th Grade (temporary), was granted 30 days' preparatory leave, with effect from the forenoon of 19th September 1880.

T. F. DOWDEN, *Major, R.E.,*
Offg. Secy. to Agent to Govr. Genl., for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 15th October 1880.

No. 1696.—Captain D. W. K. Barr, 1st Assistant Agent, Governor General, for Central India, held charge of the current duties of the Office of the Agent to the Governor General for Central India, in addition to his own duties, from the afternoon of the 11th September to the forenoon of the 5th October, during the absence, on special duty at Simla, of Lieutenant-General Sir H. D. Daly, K.C.B.

H. D. DALY,
Agent, Govr. Genl., for Central India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 14th October 1880.

No. 59.—Captain W. G. Nicholson, R.E., Executive Engineer, on return from field service, is posted to the Rawalpindi Command, Military Works.

No. 60.—With reference to Public Works Department No. 1680 G., dated 28th September 1880, Captain W. H. Pierson, R.E., Executive Engineer, resumed charge of his duties in the Office of the Inspector General, Military Works, on the forenoon of 17th September 1880.

The 18th October 1880.

No. 61.—Honorary Lieutenant J. Walsh, Assistant Engineer, 2nd Grade, is appointed to officiate as Executive Engineer, Sialkot Division, Military Works, during the absence of Captain G. T. Maitland, Executive Engineer, on privilege leave.

Lieutenant Walsh received charge of the Sialkot Division on the afternoon of 5th October 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 19th October 1880.

No. 24.—Baboo Russick Lall Roy, Assistant Engineer, 1st Grade, Salt Branch Line, Punjab Northern State Railway, availed himself on the forenoon of the 27th September of the two months' privilege leave granted in this office Notification No. 22 of 27th ultimo.

No. 25.—With reference to Government of India, Public Works Department, Notification No. 283 of 20th August 1880, Mr. W. B. Gray, Assistant Examiner, 1st Grade, was relieved of his duties on the Punjab Northern State Railway, Open Line, on the afternoon of the 25th August 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 18th October 1880.

No. 139.—Mr. H. H. Gahan, Assistant Engineer, 1st Grade, Sindia State Railway, passed the Departmental Standard Examination in Hindustani, as prescribed in Chapter II, Section i, paragraph 21, of the Public Works Code, on the 4th October 1880.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY.

NOTIFICATIONS.

Mooltan, the 4th October 1880.

No. 47.—With reference to Consulting Engineer Lahore's Notification No. 20, dated 15th September 1880, Mr. R. W. L. Toozs, Assistant Engineer, 2nd Grade, availed himself of the one month's privilege leave therein granted him on the forenoon of the 27th September 1880.

The 6th October 1880.

No. 48.—With reference to Government of India, Public Works Department, Notificatio No. 317, dated 29th September 1880, Captain J. A. Little, S.C., Executive Engineer, 2nd Grade, was relieved of the charge of Khanpur Division by Mr. C. W. Hodson, Executive Engineer, 4th Grade (temporary rank), on the afternoon of 8th September 1880.

* * * *

J. A. LITTLE, *Capt., S.C.,*
Offg. Engineer-in-Chief.

KANDAHAR STATE RAILWAY,
Harnai and Gulistan Sections.

NOTIFICATIONS.

Quetta, the 17th September 1880.

No. 45.—With reference to Public Works Department Notification No. 259, dated 7th August 1880, Captain C. E. Shepherd, B.S.C., Executive Engineer, 1st Grade, assumed charge of the Office of Engineer-in-Chief, Harnai and Gulistan-Karez Sections, Kandahar State Railway, on the forenoon of the 5th August 1880.

No. 46.—Mr. S. Rebsch, Assistant Engineer, 2nd Grade, is granted three months' privilege leave on medical certificate, with effect from the forenoon of the 6th August 1880.

The 9th October 1880.

No. 50.—With reference to Director General of Railways' Notification No. 126, dated Simla, the 14th September 1880, transferring Mr. C. L. Desmazures, Store-keeper, 2nd Grade, to the Office of Port Store-keeper, Karachi, Babu Bamapado Roy, Sub-Store-keeper, 1st Grade, took charge of the Office of Store-keeper, Sibi, on the afternoon of the 16th August 1880.

R. N. HODGES,
for *Engineer-in-Chief.*

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATION.

Nimach, the 16th October 1880.

No. 33.—Mr. R. C. Beeston, Executive Engineer, temporary 4th Grade, reported his return from the three months' privilege leave granted to him in this Office Notification No. 19, dated 1st June 1880, on the forenoon of this day.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Open Line.

NOTIFICATIONS.

Lahore, the 14th October 1880.

No. 21.—With reference to Government of India, Public Works Department, Notification No. 283, dated 20th August 1880, Pundit Prem Nath, Deputy Examiner, joined the Accounts Office of this Line on the forenoon of 8th September 1880.

The 16th October 1880.

No. 22.—With reference to Manager's Notification No. 12, dated 9th July 1880, Mr. C. J. Keene, Traffic Superintendent, returned from the privilege leave therein granted on the afternoon of 2nd October 1880.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY,
Pindi-Kohat Section.

NOTIFICATION.

Rawalpindi, the 15th October 1880.

No. 8.—Mr. T. L. Tanner, Executive Engineer, 3rd Grade, is granted two months' privilege leave, with effect from the forenoon of 9th October 1880.

T. GRACEY, *Capt., R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Rathial-Pindi Section.

NOTIFICATIONS.

Rawalpindi, the 14th October 1880.

No. 15.—Mr. F. L. Dibblee, Executive Engineer, 1st Grade, Superintendent of Works, Rathial-Pindi Section, availed himself of the privilege leave granted him in Director General of Railways' Notification No. 133 of 2nd October 1880, on forenoon of the 5th August 1880, making over charge to Mr. C. A. Bull, Executive Engineer, 2nd Grade.

No. 16.—Mr. F. L. Dibblee, Executive Engineer, 1st Grade, returned to duty from the leave granted to him in Director General of Railways' No. 133 of 2nd October 1880, on forenoon of the 27th September 1880, and took over charge of Office of Superintendent of Works, Rathial-Pindi Section, from Mr. C. A. Bull, Executive Engineer, 2nd Grade, on same date.

C. A. BULL,
late Supdt. of Works.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Agra, the 19th October 1880.

No. 19.—Mr. E. F. Jacob, District Traffic Superintendent, Bandikui District, is granted six weeks' privilege leave of absence under Chapter VI, Section 42, of the Civil Leave Code, with effect from the 18th instant, or such subsequent date as he may avail himself of it.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Oct. 4	Holiday.					
" 5	...	59,497	639	...	39,56,573	8,58,698
" 6	...	...	...	...	38,56,585	8,58,698
" 7	...	...	...	...	36,56,538	8,58,698
" 8	Holiday.					
" 9						

CALCUTTA MINT, *The 20th Oct. 1880.* J. F. TENNANT, *Col., R.E.,*
Mint Master.

Statement of the Affairs of the Bank of Bengal ending 7th October 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,279	0	0
Public Deposits at Head Office (Rs. 86,09,780 15 10)	2,42,41,945	4	7
Public Deposits at Branches (Rs. 1,56,32,164 4 9)			
Other Deposits at Head Office and Branches	2,45,47,211	13	8
Bank Post Bills, &c.	4,21,932	8	5
Sundries	11,89,336	5	9
RUPEES	7,26,89,705	0	5

ASSETS.	Rs.	A.	P.
Government Securities	1,24,92,356	0	0
Loans on Government Securities, &c., at Head Office and Branches	63,87,624	13	10
Accounts of Credit on Government Securities, &c., at Head Office and Branches	52,04,569	14	5
Bills discounted and purchased at Head Office and Branches	1,13,54,944	[illegible]	[illegible]
Balances with other Banks	5,91,840	2	4
Bullion	63,375	12	7
Dead Stock	10,75,859	11	2
Stamps	8,225	14	0
Sundries	3,79,822	11	0
	3,75,58,618	15	8
Cash and Currency Notes at Head Office (Rs. 1,32,69,848 0 1)	3,51,31,086	0	9
Cash and Currency Notes at Branches (Rs. 2,18,61,238 0 8)			
RUPEES	7,26,89,705	0	5

By order of the Directors,

BANK OF BENGAL, Calcutta, 21st October 1880.

J. GORDON, *Chief Acctt. & Depy. Secretary.*

W. D. CRUICKSHANK, *Depy. Secy. & Treasurer.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 21st Oct. 1880 ... Rs. 1,15,35,417-15-3.

J. WESTLAND,

Treasurer to the Govt. of India.

CALCUTTA, *The 22nd October 1880.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
155	D 8—34689	500	Messrs. Grindlay and Co., Calcutta.
156	D 17—03784	50	T. Rama Chendra Rao, Mysore.
24	D 12—20483 *, —20484 *	5	T. H. Kavanagh, Esq., V.C., Lucknow.

* Mismatched.

ALLAHABAD, *The 20th October 1880.*

W. H. EGERTON, *A.A.-G., In charge of Paper Currency Office.*

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W60	M 85—80802	50	W. Robinson, Allahabad.

NOTE PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H147	M 34—06417	20	B. Ramaswamiengar, Shimoga.

BOMBAY, *The 19th October 1880.*

W. D. COWLEY, for *Offg. Asst. Commissioner.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
220	O 73—63449	1,000	Babu Kedar Nath Ghose.
221	O 74—10494	1,000	Babu Upendra Kumar Raha.
	„ —10495	1,000	
	O 71—03567	500	
223	O 68—83797	100	Ahasanlen Azim.
224	O 68—46600	100	Babu Brindabun Chunder Sarcar.
225	O 84—63939	10	Babu Ashootosh Dey.
	„ —63941	10	
	„ —63942	10	
	„ —63943	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
246	O 82—24408	10	Mr. S. W. Nickels.
247	O 52—88552	10	Babu Bhoopendra Lal Mitter.

CALCUTTA, *The 22nd October 1880.*

FRED. GREENWAY, *Assistant Commissioner of Paper Currency.*

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
90	E 1—50164	1,000	Mohamed Butt and Ahmed Butt, Ludhiana.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
147	E 7—99709 to —99719, E 7—99892 to —99900 and E 7—99890	5 each.	Major W. Anderson, 13th Regiment, Madras Native Infantry, Mean Meer.
123	E 2—44993	500	Ram Nath and Mool Chand, Muneebs of Goberdhan Das, through Hust Mul, Jullundher.
136	E 16—89416	10	Mr. J. Falcomer, of S. P. and D. Railway, Kurrachee.

LAHORE, *The 16th October 1880.*

C. G. VANSITTART, *Asst. to Acctt. Genl., in charge of Currency Office.*

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
123	B 60—70794	10	Strinivasa Chariar, Kupum.,
124	B 51—50671	500	Kumaria Din, Periamet Madras.
	„ —50672	500	
125	B 66—20841	100	A. P. R. A. Nachiappa Chetti, Coral Merchant Street, Madras.
	„ —20857	100	
	„ —20877	100	
126	B 66—13811	100	Ch. Nathamuni Chetti, Merchant, 20, Chulai Strinivasapuram Arni Muthia Mudali Street, Madras.
127	B 47—03421	5	W. E. Clarke, Esq., Barrister-at-Law, Calicut.
128	B 57—85790	20	P. Ramaswami Nayadu, late Draughtsman, S. I. Ry., Trichinopoly.

FORT SAINT GEORGE, *The 11th October 1880.*

C. HALL, *Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept.,* for *Commissioner.*

Nagpur Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
W2	F 10—75738	100	Dwarka Nath Singha, Head Clerk, School of Industry, Jubbulpore.

NAGPUR, *The 14th October 1880.*

GODREZJEE D. PUDUMJEE, *Offg. Asst. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 16th October 1880.

No. 8184.—Mr. M. Percy, Presidency Post Master, Madras, has been granted one year's furlough on medical certificate.

Mr. Percy made over charge of his Office to Mr. J. G. Combes on the afternoon of the 31st August 1880.

E. R. DOUGLAS, *Depy. Dir. Genl. of the Post Office of India.*

Calcutta, the 22nd October 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6-30 P. M.	30th Oct.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6-30 „	25th „	Str. *Africa.*
Madras and Ceylon	6-30 „	25th „	P. & O. Str. *Gwalior.*
Foreign Mails *viâ* Bombay	6-30 „	27th „	From Bombay.
Do. Book Post and Pattern packets	6-30 „	26th „	From Bombay.
Rangoon, Moulmein and Straits	6-30 „	28th „	Str. *Purulia.*
Chittagong, Akyab and Rangoon	6-30 „	29th „	Str. *Busheer.*
Persian Gulf	6-30 „	23rd „	From Bombay.
Port Blair and Camorta	6-30 „	29th „	Str. *Satara.*

N. B.—The Letter Box will close at 6-30 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 7 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 22nd October 1880.

Barnes, A.
Blundon, R.
Brown, Leila, Miss.
Browne, Arthur.
Burns, Mrs. J.
Burrows, C.
Butler, F.
Caldwell, Matthew.
Campagnac, A. G.
Christy, H.
Clargn, T.
Clinton, H.
Cliza, L.
Cox, G.
Cross, Mrs. J.
DaCosta, Miss J. C.
Daniel, Mrs. J. E.
Debendro Chundra Bose.
DeSouza, R. E.
Drozario, Mrs.
Graham, W. A. F.
Gray, W.
Gray, J.
Green, Capt. J. E.
Halliday, E.
Hamilton, W. H.
Jarvis, N. A.
Kelly, Mrs. K.
Kingsley, Mrs.
Kowldharee Lall.
Loudberg, H.
Lewis, F. T.
Macdonald, D.
Manley, H. A.
Maundrell. A. W. J.
Payne, Mrs. J.
Peyton, J.
Poorno Chundra Sircar.
Regina, Madame.
Reynold, C. Mc. D.
Richards, Geo.
Rodgers, M.
Roopchand Sadhar.
Ryves, G. F. C.
Silva, Miss H.
Simmon, Jacob.
Stack, J. C.
Waller, C.
Walters, Mrs. P.
Weise, Berta.
White, G. G.
Williams, Mrs.
Williams, W. G.
Wise, J. W.

Letters marked "Care of Post Office, to be kept till called for."

Albers, A. H.
Anson, Capt.
Austin, A. Godwin.
Bailly, Harris.
Barker, T. W.
Bernheim, Monsieur.
Blackton, T. W.
Bropnur, A. W.
Brown, Miss Mary.
Brune, Joseph.
Byford, H.
Caller, Monsieur L.
C. G. C.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coombs, J. W.
Coote, Waller.
Crowlie, E. T.
C. W. S.
Evans, J.
Evans, Mrs. P. A.
Foster, E. (S. S. *Booldana*).
Garrick, D.
Godlu, Francis.
Griffin, W. H.
Harford, J.
Hastings, C. G. W.
Hay, G.
Hewett, Lt. W. S.
Hopekirk, William.
Hughes, Pringle.
Hynes, Mrs.
Jackson, R. A.
Jackson, W.
James, J. D. R.
Johnston, Capt.
Keighley, Mrs.
Kellock, R.
Man, Alex.
Matson, E.
Michael, G.
Miller, Mrs. Annie.
Ottley, Captain J. W.
Pearson, Lewie.
Perks, M. J.
Prendergast, Mrs. C. L.
"Prescilla," R.
Phelps, Mrs. C. Harris.
Rae, William.
Reid, R.
Rishworth, J.
Scanlon, C. A. R.
Sevastopulo, A. E.
Simpson, L.
Smith, Douglas.
Stuart, F.
Strathmore, Miss W.
Thompson, W.
Thomas, Mrs. J.
Turner, Mrs. M.
Usborne, W.
Vaughan, —
Waddell, Surgeon La.
Warde, Mrs.
Wilkinson, Mrs. Mary.
Wright, H.

Newspapers.

Buchanan, Beverley.
Crowlie, E. T.
Griffin, W. H.
Morton, M.
O'Brien, S. H. G.
Usborne, W.
Wilson, J. H.

Registered Letters.

Beprodas Pal Chowdry.
Dubus, E. E.
Pickett, E.

Parcel.

F. Caldrigton.

E. C. GEORGE, *Presidency Post Master.*

NOTICE.

The halves of twelve 20-Rupee Notes of the following numbers have been found in Indore:—

TREASURIES.

Nagpore and Bombay.

Nos. F8—20487, 20489 to 20494, 20496 to 20498, 20500 and 23732.

Apply to—

H. L. ST. BARBE, *2nd Asstl. Agent to the Govr. Genl. for Central India.*

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.
2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only,* at the following rates:—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only,* at the under-noted rates:—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا کوئيناائين ے خوب قايم مقام هی اور کلکته ے بوٹانکل گارڈن يعنے کمپني باغ ے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات ے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس ے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ ے ٹين کا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ ے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس ے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ ے ٹين کا بيس روپيه٬

يهه دوا کلکته ے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورۂ بالا ے محصول ڈاک چار اور آٹهه اونس ے ٹين کا آٹهه آنه ; اور ايک پونڈ ے ٹين کا باره آنه ٬

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	Remarks.
			Rs.	
Bull's Dredgers .	39	1½ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 8 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set :

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For the CALCUTTA SERIES ...	Rs. 35	Rs. 37-8
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The price of each Part purchased separately will vary according to the amount of matter it contains, and will be printed on the wrapper. It will, however, never be below the following :—

For a Part of the CALCUTTA SERIES ...	Rs.	3	8
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„ „ BOMBAY SERIES ...	„	1	0
„ „ ALLAHABAD SERIES.	„	1	0
Complete set	„	4	0

Persons desiring to subscribe for or purchase the Reports, should apply to—

MESSRS. THACKER, SPINK AND CO., CALCUTTA;
MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a set.

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

Books required for the public service cannot be supplied on payment; they are only issued on the authority of the Department to which the indenting officer is subordinate. In sending for books for personal use, it should be stated that they are required for this purpose, to avoid the delay of enquiry before complying with the requisition.

Just published.

Super-royal octavo, cloth.

Tribes of the Hindoo Koosh. *Price, Rs. 6; packing and postage, 6 annas.*

Army List.

Corrected to 30th September 1880.

The Official Quarterly Army List of H. M.'s Forces in Bengal, to which is appended the Civil Service Gradation List. *Price, Rs. 4; packing and postage, 6 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

THE INDIAN STATUTE-BOOK.

A.—General Acts.

Vol. I.—From 1834 to 1863.

Vol. II.—From 1864 to 1871.

Vol. III.—From 1872 to June 1876.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 30, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

From the 27th November next till further notice the entire *Gazette of India*, with the Supplement, will be published at Calcutta. After the 20th November, all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

NOTIFICATION.

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E. J. DEAN,

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BANK OF BENGAL.

Calcutta, the 25th October 1880.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Tuesday, the 2nd, and Wednesday, the 3rd proximo, on account of the Hindu festival "Kalee Poojah."

By order of the Directors,

W. D. CRUICKSHANK,

Depy. Secretary & Treasurer.

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 22nd October 1880.

No. 13.—Mr. P. Ford, Surveyor, 4th Grade, is granted privilege leave for three months, under Section 13, Supplement F, of the Civil Leave Code, with effect from forenoon of the 7th September 1880.

J. SCONCE, *Lieut.-Col.,*

Deputy Surveyor General.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 21st October 1880.

No. 1739.—The under-mentioned Hospital Assistant, who has passed his Septennial Professional Examination, is advanced to the next

higher class, with effect from the date specified against his name:—

NAME.	DATE OF COMPLETION.		Date of passing the professional examination.	Date of promotion.
	14 years' service.	7 years' service.		
WITH ENGLISH QUALIFICATIONS. *To be 1st Class Hospital Assistant.*				
Wazeah-ood-Deen	Sept. 30, 1880	...	Oct. 14, 1880	Oct. 1, 1880

By Order,
D. W. K. BARR,
1st Asstt. to the Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATIONS.

Mount Abu, the 18th October 1880.

No. 1400 *G.*—LEAVE.—Captain R. G. E. Dalrymple, Assistant Political Agent, Banswara and Pertabgurh, and Superintendent of Operations for the Control of Moghias in Central India and Rajputana, is granted twenty-nine days' privilege leave, with effect from the forenoon of the 11th October 1880.

Lieutenant C. W. Ravenshaw, Cantonment Magistrate, Neemuch, will perform the current duties of the Banswara and Pertabgurh Assistancy, in addition to his own, during Captain Dalrymple's absence.

The 19th October 1880.

No. 1404 *G.*—LEAVE.—Major F. W. Boileau, Commandant, Merwara Battalion, is granted privilege leave from 13th October, or such subsequent date as he may avail himself of it, to 5th November 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 20th October 1880.

No. 62.—Captain M. A. Alves, R.E., Executive Engineer, on return from field service, is posted to the Sirhind and Lahore Command, Military Works.

The 21st October 1880.

No. 63.—Lieutenant H. W. Duperier, R.E., Executive Engineer, 4th Grade (temporary rank), on return from field service, is posted to the headquarters staff of the Inspector General's Office, which he joined on the forenoon of the 18th October 1880.

No. 64.—Lieutenant W. G. Bowyer, R.E., Assistant Engineer, on return from field service, is posted to the Rawalpindi Command, Military Works.

No. 65.—With reference to Public Works Department Notification No. 337, dated 16th October 1880, Lieutenant J. G. Day, R.E., Assistant Engineer, 1st Grade, is posted to the head-quarters staff of the Inspector General of Military Works, which he joined on the forenoon of 21st October 1880.

The 22nd October 1880.

No. 66.—Lieutenant E. Glennie, R.E., Executive Engineer, 4th Grade (temporary rank), on return from field service, is posted to the Sirhind and Lahore Command, Military Works.

C. W. HUTCHINSON, *Lieut.-Genl., R.E., Inspr. Genl. of Military Works.*

Meerut Command.

Meerut, the 25th October 1880.

No. 27.—Mr. A. Penny, Executive Engineer, 1st Grade, and Lieutenant J. T. Johnston, R.E., Executive Engineer, 4th Grade (temporary), respectively made over and received charge of the Meerut Division, Military Works, on the afternoon of 22nd October 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E., Supdg. Engr., Meerut Command, Military Works.*

Presidency & Oudh Command.

Lucknow, the 25th October 1880.

No. 14.—With reference to this Office Notification No. 11, dated the 6th August, Mr. W. H. King, C.E., Executive Engineer, 3rd Grade, Barrackpore Division, Military Works, returned from the two months and twenty-nine days' privilege leave granted in this Office No. 8 of 20th July 1880, on the afternoon of the 19th instant.

The unexpired portion of his leave is hereby cancelled.

No. 15.—With reference to Inspector General of Military Works' Notification No. 43 of 10th ultimo, Lieutenant A. H. Kenney, R.E., Assistant Engineer, has been posted to Fort William Division, Military Works, which he joined on the forenoon of the 7th instant.

W. R. TUCKER, *Lieut.-Col., R.E., Supdg. Engr., Presidency & Oudh Command, Military Works.*

Rawalpindi Command.

Rawalpindi, the 22nd October 1880.

No. 2402.—With reference to Inspector General Military Works' Notification No. 59, dated 14th October 1880, Captain W. G. Nicholson, R.E., Executive Engineer, joined this Command on the forenoon of the 19th October 1880, and is attached to this Office as a temporary arrangement from that date.

H. McV. CRICHTON, *Major, R.E., Offg. Supdg. Engr., Rawalpindi Command, Military Works.*

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 28th October 1880.

With reference to the Notification of the Government of India, Public Works Department, No. 347, dated the 22nd instant, Lieutenant F. Beauclerk, R.E., Deputy Examiner, 1st Grade, joined the Office of Examiner of Guaranteed Railway Accounts, Calcutta, on the forenoon of the 25th October 1880.

W. H. JOHNSTONE, *Capt., R.E., for Consulting Engr. to Govt. of India for Guaranteed Railways.*

Lahore, the 20th October 1880.

No. 26.—The leave on medical certificate for one month granted to Mr. W. Monies, Assistant Engineer, 3rd Grade, Indus Valley State Railway, in Notification No. 1 of 9th June 1877, by the Director of State Railways, Western System, is commuted to privilege leave.

The 22nd October 1880.

No. 27.—With reference to this Office Notification No. 11 of 1880, Mr. W. H. Freeman is retransferred from the Punjab Northern to the Indus Valley State Railway.

J. G. MEDLEY, *Colonel, R.E., Consulting Engr. to Govt. of India for Guaranteed Railways.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 20th October 1880.

No. 140.—Mr. J. Elston, Assistant Engineer, 1st Grade, has been granted by Her Majesty's Secretary of State extension of three months' leave on medical certificate in excess of that notified in this Office Notification No. 94, dated 16th July 1880.

The 23rd October 1880.

No. 141.—With reference to Public Works Department Notification No. 30, dated 28th January 1880, it is now ruled that the Jacobabad Section of the Kandahar State Railway shall be extended to the fourteenth mile from Sibi, shall include the Pirchowki Extension, and shall be called the Lower Section, and that the Section beyond the fourteenth mile from Sibi shall be called the Upper Section, of the Kandahar State Railway.

No. 142.—With reference to Public Works Department Notification No. 341, dated 20th October 1880, Lieutenant J. Burn-Murdoch, Assistant Engineer, 1st Grade, is posted temporarily to the Open Line, Punjab Northern State Railway, and placed under orders of Consulting Engineer, Lahore.

No. 143.—Consequent on the opening of the Punjab Northern Railway to Rawalpindi, the Rathial-Pindi Section is abolished, and the Open Line is divided into the following executive charges:—

1.—The Lahore Division.

From Lahore to north distant signal, Jhelum Station, and the Salt Branch, from Lala Musa to Miání.

2.—The Jhelum Division.

From north distant signal, Jhelum Station, to north-west distant signal, Rawalpindi Station.

3.—The Rathial Ravines Division.

No. 144.—With reference to Director General of Railways' Notification No. 143, dated 23rd October 1880, the following Officers are placed under the orders of the Consulting Engineer to the Government of India for Guaranteed Railways at Lahore for service on the Open Line, Punjab Northern State Railway:—

Mr. C. A. Bull, Executive Engineer, 2nd Grade.

Mr. M. C. Mackinnon, Executive Engineer, 4th Grade.

Mr. H. S. Harington, Assistant Engineer, 1st Grade.

Mr. C. H. C. Bickerton, Assistant Engineer, 1st Grade.

Mr. L. G. Prickett, Assistant Engineer, 2nd Grade.

No. 145.—The under-mentioned Officers are posted to the Gwalior-Jhansi Survey Division, which is hereby constituted as part of the charge of the Engineer-in-Chief of the Sindia Railway:—

Mr. F. L. Dibblee, Executive Engineer, 1st Grade,—from the Rathial-Pindi Section, Punjab Northern State Railway.

Mr. A. S. Gerrard, Assistant Engineer, 1st Grade, and Mr. W. Monies, Assistant Engineer, 2nd Grade,—from the Bombay Railway Establishment.

Mr. S. Rebsch,—from the Kandahar State Railway.

No. 146.—The under-mentioned Officers are posted to the Bhopal-Jhansi Survey Division, which is hereby constituted as part of the charge of the Engineer-in-Chief of the Bhopal Railway Survey:—

Mr. J. R. Bell, Executive Engineer, 2nd Grade,—from the Indus Bridge Division, Indus Valley State Railway.

Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade,—from unemployed list.

Mr. J. Hogan, Assistant Engineer, 1st Grade,—from the Pindi-Peshawar Section of the Punjab Northern State Railway.

Mr. F. Reilly, Assistant Engineer, 2nd Grade,—from the Pindi-Kohat Section of the Punjab Northern State Railway.

Baboo Dharm Sing Soin, Assistant Engineer, 3rd Grade,—from the Rathial-Pindi Section of the Punjab Northern State Railway.

No. 147.—Mr. W. deW. Peel, Executive Engineer, 4th Grade (temporary rank), is, on return

from furlough, posted to the Upper Section of the Kandahar State Railway.

No. 148.—Mr. T. L. Tanner, Executive Engineer, 4th Grade, is transferred from the Pindi-Kohat Section of the Punjab Northern State Railway to the Lower Section of the Kandahar State Railway.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

KANDAHAR STATE RAILWAY,
Harnai and Gulistan Sections.

NOTIFICATIONS.

Nari, the 19th October 1880.

No. 51.—Captain F. W. Joseph, Executive Engineer, 2nd Grade, under orders of the Military Department, rejoined this line of Railway on the forenoon of the 26th September 1880.

No. 52.—Mr. B. Baxter, Executive Engineer, 4th Grade (temporary rank), reported his return from the three months' special leave granted in Engineer-in-Chief's Notification No. 37, dated 17th July 1880, on the forenoon of the 12th October 1880.

J. G. LINDSAY, *R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Open Line.

NOTIFICATION.

Lahore, the 20th October 1880.

No. 23.—With reference to Government of India Notification No. 283, dated 20th August 1880, Mr. W. B. Gray, Assistant Examiner, was relieved of his duties on this line on the afternoon of 25th idem.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

Report of a Deserter from the 62nd Regiment of Foot, dated at Peiwar, this 18th day of October 1880.

Number, Rank, and Name,—No. 38Bde.—394, Lance Corporal Wm. Jas. Hogan.
Age,—24 years 6 months.
Size,—5 feet 7½ inches.
Color of—
Complexion, fresh; Hair, dark brown; Eyes, hazel.
Date of Desertion,—15th October 1880.
Place of Desertion,—At Chakrata, off furlough.
Date of Enlistment,—12th April 1875.

At what Place Enlisted,—Devizes.
Parish and County in which Born,—St. Annes, Lancashire.
Marks,—Scar on left shin.
Trade,—Foundryman.
Coat or Jacket,— } Regimentals.
Waistcoat,— ... } Regimentals.
Breeches or Trowsers,— ... } Regimentals.
REMARKS,—Absent, off furlough at Chakrata. Supposed to be at Meerut.

W. J. CHADS, *Col.,*
Lieut.-Col. Comdg. 62nd Regt.

Report of a Deserter from the 8th Regiment of Hussars, dated at Rawalpindi, this 24th day of October 1880.

Number, Rank, and Name,—No. 1854, Private Albert Shackleton.
Age,—23 years.
Size,—5 feet 6¾ inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, grey.
Parish and County in which Born,—Newcastle-under-Lyne, Staffordshire.
Marks,—Eye-brows meet, scar on back of right thumb, light tattooing on back of left forearm, brown patch on back of left knee.

Trade,—Clerk.
Coat or Jacket,—Blue serge.
Waistcoat,—None.
Breeches or Trowsers,—Blue serge.
Date of Desertion,—18th October 1880.
Place of Desertion,—Cherat.
Date of Enlistment,—9th August 1876.
Place of Enlistment,—London.
REMARKS,—None.

J. W. CHAPLIN, *Lieut.-Col.,*
Comdg. 8th Regt. of Hussars.

Statement of the Affairs of the Bank of Bengal for the week ending 26th October 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,269	0	0
Public Deposits at Head Office (Rs. 55,00,113 4 8) + Public Deposits at Branches (1,32,29,566 1 2)	1,87,29,679	5	10
Other Deposits at Head Office and Branches	3,72,99,171	14	6
Bank Post Bills, &c.	4,80,285	14	0
Sundries	11,79,499	7	4
RUPEES	7,99,77,905	9	8

ASSETS.	Rs.	A.	P.
Government Securities	1,33,90,473	0	0
Loans on Government Securities, &c., at Head Office and Branches	59,10,293	4	6
Accounts of Credit on Government Securities, &c., at Head Office and Branches	44,54,602	14	7
Bills discounted and purchased at Head Office and Branches	1,20,28,585	6	2
Balances with other Banks	4,65,338	7	6
Bullion	56,199	11	9
Dead Stock	10,74,549	7	11
Stamps	7,951	8	0
Sundries	3,69,557	11	0
	3,77,57,551	7	5
Cash and Currency Notes at Head Office (Rs. 2,12,23,615 0 11) + Cash and Currency Notes at Branches (2,09,96,739 1 4)	4,22,20,354	2	3
RUPEES	7,99,77,905	9	8

BANK OF BENGAL,
Calcutta, 28th October 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK,
Depy. Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Oct. 18	Holiday.					
„ 19						
„ 20	1,81,890	92,068	...	1,81,890	34,56,823	7,65,050
„ 21	...	...	...	1,81,890	32,56,805	7,65,050
„ 22	...	...	...	1,81,890	31,56,775	7,65,050
„ 23	...	...	...	1,81,890	31,56,741	7,65,050

CALCUTTA MINT, *The 25th Oct. 1880.* J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 28th Oct. 1880 ... Rs. 1,27,15,254-0-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 29th October 1880.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Akola Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
K 7—36308 ...	5	Dr. Ruttonjee Hormusjee, Assistant Surgeon, Ahmedabad.
K 3—22528 ...	50	Mr. Kenneth Murchison, Station-master, Oomrawattee, Berar.

AKOLA, *The 22nd October 1880.*

C. W. A. DAVIES,
Asstt. Commr. of Paper Currency.

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
210	... D 18—56184 ...	100	Jawanda Mull and Jay Dyal Mull, Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
157	... D 11—95798 ...	10	Mr. J. David, Allahabad.
25	... D 5—45904 —45905 *	20	Syed Mustafa Hossein, Etawah.

* Mismatched.

ALLAHABAD, *The 27th October 1880.*

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W62	... M 53—05587 ...	20	Khan Mahomed Kanji, Goa.

NOTE PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H148	... M 43—26275 ...	100	Pe Jose Agostino Pintode Rozay, Bassein.

BOMBAY, *The 26th October 1880.*

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
227	... O 70—97450 ..	500	Debendra Nath Saha and Jogendra Nath Saha.
	O 68—36022 ...	100	
	„ —85124 ...	100	
	O 31—39016 ...	50	
	O 59—05947 ...	20	
	O 58 89196 ...	20	
	O 49—24144 ...	10	
	O 52—80664 ...	10	
	„ —87095 ...	10	
	O 79—65681 ...	10	
	„ —10475 ...	10	
	„ —70414 ...	10	
	O 78—83524 ...	10	
	O 54—71072 ...	10	
	O 47—72842 ...	10	
	O 81—16301 ...	10	
	O 76—53242 ...	10	
	L 6—30238 ...	10	
229	... O 68—66988 ...	100	Babu Shoseebhoosan Kundoo.
	„ —66989 ...	100	
231	... O 68—54663 ...	100	Golam Nazaff.
232	... O 69—20869 ...	100	Babu Seeta Nath Hazra.
	„ —20870 ...	100	
	„ —20871 ...	100	
	„ —20872 ...	100	
	„ —20873 ...	100	
233	... O 68—72465 ...	100	Babu Woomes Chunder Chatterjee.
238	... O 68—79918 ...	100	Nundo Lal Baboo.
	O 31—66476 ...	50	
	„ —12651 ...	50	
239	... O 35—92468 ...	100	The Dy. Post Master General, British Burma, Rangoon.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
160	... O 36—75329 „ —75328	5	Mr. Geo. Hodson.
161	... L 20—38673 „ —38676	5	Babu Nilmony Dutt.
162	... L 88—09341 „ —09314	10	Chotty Lal.
163	... O 45—67187 „ —85502	10	Toolsee Das Sadkhan.
164	... O 80—59187 „ —59188	10	Messrs. W. H. Fitze & Co.
165	... O 25—79378 „ —79379	20	B. U. Ahmad.
248	... O 83—30099 ...	10	Babu Wooma Churn Sett.
249	... O 50—28182 ...	10	Monmohini Dasee.
250	... O 68—45494 ...	100	Babu Radha Kissur Mukerjee.
251	... O 43—14067 ...	10	The Post Master General, N. W. Provinces, Allahabad.
252	... O 58—92214 ...	20	Babu Rajmohan Rai Choudhuri.
	O 15—95562 ...	10	
	L 56—01893 ...	5	

CALCUTTA, *The 29th October 1880.*

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 14—50265 ...	10	Mrs. J. Cowley, of Hyderabad.
G 7—55137 ...	10	Major F. H. Marsh, Superintendent, Native Army Schools, Umballa.
G 9—32282 ...	50	Mr. D. L. Lobo, Guard, Indus Valley State Railway, Sukkur.

KURRACHEE,
The 22nd October 1880.

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
91	... E 17—41435 ...	20	The Post Master General, Lahore.
	E 15—72250 ...	50	
92	... E 13—93985 ...	100	Jawanda Mall and Jaydial Mall, Lahore.
	„ —93986 ...	100	
	„ —93987 ...	100	
	„ —93989 ...	100	
	„ —78104 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
33	... E 16—77883	10	Colonel H. T. Forbes, Barrackpur.
	„ —59233		
131	... E 12—74032 ...	20	Miss Corden, Darjeeling.
144	... E 13—78903 ...	100	Mr. G. W. Lawrie, Umballa.
145	... E 8—30942 ...	5	Tej Rai, Bareilly.
146	... E 16—79859 ...	10	Kishen Sahai, Meerut.
149	... E 7—47267 ...	5	Mr. R. Carr, Allahabad.
	„ —48956 ...	5	
	E 10—97103 ...	10	
150	... E 2—50538 ...	500	Khurka Shah, Sealkote.

LAHORE,
The 23rd October 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
62	... B 60—52060 ...	10	T. A. Nagappa Pillai, Head Clerk, Assistant Collector's Office, Trichinopoly.
	„ —65930 ...	10	
	„ —73874 ...	10	
	„ —81817 ...	10	
63	... B 60—66568 ...	10	Mr. F. Reynolds, Chandrapudi Estate, Kadur District.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
129	... B 42—98032 ...	20	R. Carr, Esq., G. W. Secretary to the Grand Lodge of India of the Independent Order of Good Templars, Allahabad.
130	... B 58—73551 ...	100	P. S. Shanmugam Pillai, Cloth Merchant, Tuticorin.
131	... B 56—82312 ...	10	A. V. Ram Rao, Kandapur, South Canara District.
	B 60—52834 ...	10	
	B 58—12131 ...	100	
132	... B 61—37423 ...	50	P. Rajah Rao, Sleeper Contractor, Mysore State Railway, Karikhanhully, *viâ* Bangalore.
133	... B 46—85988 ...	5	S. Raja Ram Rao, Sub-Registrar, Palni.
134	... B 47—25642 ...	5	Mrs. L. E. Hannyngton, Salem.
	B 57—59673 ...	20	

FORT SAINT GEORGE,
The 18th October 1880.

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

Nagpur Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
W3	... F 10—65518 ...	100	Abadeen Kasumjee Lakadsha, Merchant of Nagpur.
	„ —76312 ..	100	

NAGPUR,
The 21st October 1880.

GODREZJEE D. PUDUMJEE,
Offg. Asst. to Depy. Acctt. Genl., Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 29th October 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	6th Nov.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	1st „	Str. *Ethopa*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	2nd „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	3rd „	From Bombay.
Do. Book Post and Pattern Packets	6 „	2nd „	From Bombay.
Rangoon, Moulmein and Straits	6 „	4th „	Str. *Paralia.**
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6 „	5th „	Str. *Committa.*
Persian Gulf	6-30 „	30th Oct.	From Bombay

* Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 29th October 1880.

Alexander, A. M.
Alston, Capt. Thomas.
Anderson, John.
Anderson, Mrs. C.
Augustin, Butler.
Baxter, Miss.
Bernard, Mrs. A.
Bernard, A. F.
Boudon, R.
Booth, Miss L. E.
Campagnac, A. G.
Carter, Miss.
Canficid, Mrs. Georgina.
Connor, J. L.
Cotton, Lt., Bengal Police.
Coansell, William.
Crichton, Mrs. Jane.
Cross, Mrs. J.
Debendro Chundra Bose.
Dias, Francis.
DroZario, Mrs. W.
Eliza, Mrs. L.
Escomb, Brass & Co.
Ewen, W.
Farmer, Mrs. P.
Fletcher, H. James.
Gallagher, Mrs. Marian.
Galloway, A. S. F.
Gardner, —. (S. S. *Ellora.*)
Gifford, Love & Co.
Gray, W.
Gray, G.
Greenbergh, M. J.
Hall, F. R. King.
Hamilton, W. H.
Hamilton, R. C. A.
Hamilton, G.
Harrison, J. (Engineer, Ice Factory.)
Harris, P. H.
Harvey, G. M.
Hashman, Miss Blanche.
Haslam, P.
Humprey, Major J. C. T.
Jarvis, N. A.
Jones, Mrs. E. W. Warde.
Knight, William.
Macdonald, D.
Mason, —.
Mayle, E.
Meyer, E.
Mosile, S.
O Donel, G. H.
Packer, William.
Pertman, M. P.
Pereira, Miss Agnes.
Phillips, E. O.
Presswell, G. Jardin.
Poorno Chundra Sircar
Rae, Capt. D.
Reynold, C. McD.
Richards, Geo.
Rodgers, —.
Roopchand Sadhar
Rose, —.
Ryves, G. F. C.
Silva, Miss H.
Smith, Thomas S.
Stuart, Miss J.
Thomas, Miss B.
Thompson, J. H.
Thompson, Master F. H
Varley, Frank.
Webster, F.
Weise, Berta.
White, G. G.
Williams, Mrs.
Wise, J. W.
Young, T. G.

Letters marked "Care of Post Office, to be kept till called for."

Anson, Capt.
Austin, A. Godwin.
Baily, Harris.
Barker, F. W.
Berthem, Monsieur.
Blackton, T. W.
Braganca, Cosmo Sipriano de.
Byron, E. C. A.
Byne, Joseph.
Byford, H.
Caller, Monsieur L.
C. G. C.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coombs, J. W.
Coote, Waller.
Crowtie, E. F.
Cozn, John.
Cauhan, John.
Coondoo, M. C.
Evans, J.
Fauchard, C
Garrick, D.
Godfu, Francis.
Griffin, W. H.
Harford, J.
Hastings, C. G. W.
Hay, G.
Hewett, Lt. W. S.
Hewett, H. J.
Birlemann, Madame.
Hopekirk, William.
Hughes, Pringle.
Hynes, Mrs.
Jackson, R. A.
Jackson, W.
Johnston, Capt.
Man, Alex.
Meeredy, James McG.
Miller, Mrs. Annie.
Murdock, Mrs.
Ottley, Captain J. W.
Owen, H. M.
Pearson, Lewie.
Perks, M. J.
Prendergast, Mrs. C. L.
Phelps, Mrs. C. Harris.
Pogese, John.
Rae, William.
Reid, R
Rishworth, J.
Scanlon, C. A. R.
Sevastopulo, A. E.
Simpson, L.
Smith, Douglas.
Stuart, F.
Thompson, W.
Tobin, John.
Turner, Mrs. M.
Osborne, W.
W. C. S.
Waddell, Surgeon Lt.
Warde, Mrs.
Wilkinson, Mrs. Mary.
Williams, E. J.
Williams D, Capt. W. J.
White
Watson, Alex.
Wright, H.

Newspapers.

Bachanan, Beverley.
Crowlie, E. T.
Griffin, W. H.
Morton, M.
O'Brien, S. H. G.
Usborne, W.
Wilson, J. H.

Registered Letters.

Jelly, S. John.
Marquis d'Osmond.
Packer, Mrs.
Pickett, E.
Rosa, Lorenzo.
Scanlan, C. A. R.
Shury, C. T.

E. C. GEORGE,
Presidency Post Master.

L
Ba

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج '

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جوكوئي ايك مشت بيس پونڈ خريد ليے سے بقيمت نقد حسب نرخ ديل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه '

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 6, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

From the 27th November next till further notice the entire *Gazette of India*, with the Supplement, will be published at Calcutta. After the 20th November, all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

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E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 16 of 1880.

RED SEA.

HÁNISH ISLANDS.

Position of Parkin Rock.

The British Hydrographic Office has notified that the following information has been received from Commander J. E. Pringle, H. M. S. *Vulture*, relative to the position of Parkin rock, lying about 3½ miles eastward of Rugged island, one of the Suyúl Hánish group.

The rock, which appeared to be about 8 feet above water (in August), lies with the following bearings, *viz.*:—

South-east point of Quoin islet, N. 5° 40′ E.

South point of Rugged island, S. 83° 40′ W., distant 4¼ miles.

These bearings place Parkin rock S. S. W. one mile from the position formerly assigned to it.

(*The bearings are Magnetic. Variation 4¼° Westerly in 1880.*)

By Direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr.* (*late I.N.*),

Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 29th October 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Chart, No. 8*e*, Red Sea, with plan of Hánish islands. Sailing Directions; Red Sea Pilot, 1873, pages 16 (addenda) 53. Also Taylor's Sailing Directory, Vol. 1, page 165.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

BANK OF BENGAL.

Calcutta, the 30th October 1880.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Wednesday, the 10th, and Thursday, the 11th proximo, on account of the Hindoo festival "Juggodhatree Poojah."

By Order of the Directors,
W. D. CRUICKSHANK,
Depy. Secretary & Treasurer.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 26th October 1880.

No. 1766.—Mr. Bala Prashad, Inspector of Police, officiated as Superintendent of Police, Holkar and Sindia-Nimach State Railways, from 29th March to 20th October 1880.

The 1st November 1880.

No. 1799.—Major M. G. Gerard, 3rd Squadron Commander, 2nd Regiment, Central India Horse, is granted ninety days' privilege leave to England from the 15th November 1880, or date of departure.

By Order,
D. W. K. BARR,
1st Asstt. Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATION.

Mount Abu, the 28th October 1880.

No. 1425 *G.*—LEAVE.—Colonel W. H. Beynon, Political Agent, Eastern Rajputana States, returned from the privilege leave granted him in this Office Notification No. 906 G., dated 24th July 1880 (published in the *Rajputana Official Gazette* of 31st July 1880), and assumed charge of his duties from Lieutenant-Colonel W. Tweedie on the forenoon of the 15th October 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 25th October 1880.

No. 67.—Lieutenant E. S. E. Childers, R.E., Assistant Engineer, on return from field service, is granted three months' privilege leave under the orders contained in Government of India, Public Works Department, No. 1841 G., dated 21st October 1880.

The 26th October 1880.

No. 68.—Lieutenant A. C. Bruce, R.E., Assistant Engineer, is transferred from the Headquarters' staff of the Inspector General, Military Works, to the Sirhind and Lahore Command, Military Works.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Meerut Command.

Meerut, the 30th October 1880.

No. 28.—Lieutenant S. Grant, R.E., Executive Engineer, 4th Grade (temporary rank), is transferred from the Meerut Division, Military Works, to the Office of the Superintending Engineer, Meerut Command, which he joined on the forenoon of 1st October 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 1st November 1880.

No. 2433.—With reference to Inspector General Military Works' Notification No. 64, dated 21st October 1880, Lieutenant W. G. Bowyer, R.E., Assistant Engineer, joined the Rawalpindi Command, Military Works, on the forenoon of the 7th October 1880, and is posted to the Rawalpindi Division, Military Works, which he joined on the same date.

No. 2434.—With reference to Government of India, Public Works Department, Notification No. 330, dated the 12th October 1880, Lieutenant J. Burn-Murdock, R.E., Assistant Engineer, 1st Grade, was relieved of his duties in the Military Works Branch, on the forenoon of the 20th September 1880.

Lieutenant H. Finnis, Assistant Engineer, 1st Grade, joined the Rawalpindi Command, Military Works, on the forenoon of the 20th September 1880. This Officer is posted to the Rawalpindi Division, Military Works, which he joined on the above date.

THOMAS C. MANDERSON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

Sirhind & Lahore Command.

The 26th October 1880.

No. 81.—Mr. A. Grant, Assistant Engineer, Umballa Division, Military Works, reported his return from three months' language leave, at Umballa, on the afternoon of the 18th October 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command. Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 4th November 1880.

With reference to the Notification of the Government of India in the Public Works Department, No. 323, dated the 1st October 1880, Captain W. H. Johnstone, R.E., Deputy Consulting Engineer, made over, and Lieutenant-Colonel R. deBourbel, R.E., Temporary Chief Engineer, 3rd Class, assumed, charge of the Office of the Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, on the forenoon of this date.

R. DEBOURBEL, *Lieut.-Col., R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

Lahore, the 26th October 1880.

No. 28.—Mr. P. H. Cresswell, Assistant Engineer, 2nd Grade, Sukkur Division, Indus Valley State Railway, passed the colloquial examination in Hindustani, on the 18th August 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

Lucknow, the 1st November 1880.

With reference to Government of India, Public Works Department, Notification No. 323, dated 1st October 1880, Lieutenant-Colonel R. deBourbel, R.E., made over, and Lieutenant-Colonel R. C. B. Pemberton, R.E., received, charge of the Office of Consulting Engineer to Government of India for Guaranteed Railways, Lucknow, on the forenoon of the 1st November 1880.

R. C. B. PEMBERTON, *Lieut.-Col., R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 26th October 1880.

No. 149.—Mr. C. E. Cardew, Assistant Locomotive Superintendent, Rajputana State Railway, was granted by Her Majesty's Secretary of State for India, an extension of ten days' furlough in excess of the one month's extension notified by the Consulting Engineer, Calcutta, in his Notification, dated 3rd December 1879.

The 29th October 1880.

No. 150.—The under-mentioned Officers are, on return from military duty, re-posted to the Kandahar State Railway, Upper Section :—

Lieutenant-Colonel J. G. Lindsay, R.E., Superintending Engineer, 1st Class (temporary rank.)

Captain F. W. Joseph, S.C., Executive Engineer, 2nd Grade.

Captain W. W. B. Whiteford, R.E., Executive Engineer, 4th Grade.

Lieutenant C. F. Fuller, R.E., Executive Engineer, 4th Grade (temporary rank).

Lieutenant W. W. Robinson, R.E., Executive Engineer, 4th Grade (temporary rank).

Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade.

Lieutenant J. Neville, R.E., Assistant Engineer, 1st Grade.

Lieutenant S. A. E. Hickson, R.E., Assistant Engineer, 1st Grade.

The 1st November 1880.

No. 151.—Mr. R. T. Mallet, Superintending Engineer, 2nd Class, returned to duty on the afternoon of the 14th October 1880, from the privilege leave granted him in Public Works Department Notification No. 317, dated 29th September 1880, and took over charge of his appointment as Director of State Railway Stores, from Lieutenant-Colonel R. C. B. Pemberton, R.E., on the afternoon of the 25th October 1880.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY.

NOTIFICATION.

Mooltan, the 20th October 1880.

No. 51.—With reference to this Office Notification No. 47, dated 4th October 1880, Mr. R. W. L. Toozs, Assistant Engineer, 2nd Grade, returned to duty on the forenoon of the 20th October 1880.

JOHN A. LITTLE, *Capt., S.C.,*
Offg. Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 25th October 1880.

No. 19.—With reference to Notification No. 27, dated 22nd October 1880, by the Consulting Engineer for Guaranteed Railways, Lahore, Mr. W. H. Freeman, Assistant Traffic Superintendent, reported his arrival at Sukkur on the forenoon of 4th October 1880.

T. B. B. SAVI, *Captain, R.E.,*
Manager.

KANDAHAR STATE RAILWAY, Harnai and Gulistan-Karez Section.

NOTIFICATIONS.

Nari, the 23rd October 1880.

No. 53.—Lieutenant-Colonel J. G. Lindsay, R.E., Superintending Engineer, 1st Class (temporary rank), and Engineer-in-Chief, 3rd Grade, temporarily transferred to the Military Depart-

ment for field service, in Public Works Department Notification No. 250, dated 30th July 1880, rejoined this Railway, and assumed charge of the Harnai and Gulistan-Karez Section on the forenoon of the 18th October 1880.

No. 54.—In continuation of this Office Notification No. 51, dated 19th October 1880, Captain F. W. Joseph, Executive Engineer, 2nd Grade, is posted to the charge of Survey Division, Harnai and Gulistan-Karez Section of this Railway.

No. 55.—Mr. C. L. Desmazures, Store-keeper, 2nd Grade, temporarily transferred to the Office of Port Store-keeper, Kurrachee, for service, in Director General of Railways' Notification No. 126, dated 14th September 1880, resumed charge from Baboo Bamapada Roy, Sub-Store-keeper, 1st Grade, of the Stores Magazine at Sibi, Harnai and Gulistan-Karez Section of the Kandahar State Railway, on the forenoon of the 15th October 1880.

J. G. LINDSAY, *Lieut.-Col., R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Open Line.

NOTIFICATION.

Lahore, the 28th October 1880.

No. 24.—CORRIGENDUM.—In this Office Notification No. 22, dated 16th October 1880, *for* the word "afternoon," *read* "forenoon."

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY,
Pindi Junction to Peshawar Section.

NOTIFICATION.

Rawalpindi, the 1st November 1880.

No. 39.—With reference to Director General of Railways' Notification No. 112 of 18th August 1880, Major K. A. Jopp, R.E., Executive Engineer, 1st Grade, Kurram Valley Railway Survey, was relieved of his duties on the afternoon of 15th September 1880.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Pindi-Kohat Section.

NOTIFICATION.

Rawalpindi, the 29th October 1880.

No. 9.—With reference to Government of India, Public Works Department, Notification No. 344, dated 21st October, Mr. T. L. Tanner, Executive Engineer, was relieved of the charge of the Pind Sultan Division, on the afternoon of the 4th September.

T. GRACEY, *Capt., R.E.,*
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Agra, the 28th October 1880.

No. 20.—With reference to Manager's Notification No. 19 of the 19th October 1880, Mr. P. Rainier, Assistant Traffic Superintendent, 4th Class, is appointed to officiate as District Traffic Superintendent during the absence of Mr. E. F. Jacob on privilege leave, or until further orders.

Mr. Jacob made over, and Mr. Rainier took, charge on the forenoon of the 25th October 1880, from which date Mr. Jacob availed himself of privilege leave.

The 1st November 1880.

No. 21.—With reference to Home, Revenue and Agricultural Department Notification No. 517, dated 29th October 1880, Doctor R. Willmot, Medical Officer, Rajputana State Railway, availed himself of the furlough and subsidiary leave therein granted on the 26th idem.

No. 22.—With reference to Rajputana State Railway Notification No. 21 of this date, Surgeon Major A. Hilson, Civil Surgeon, Agra, assumed temporary charge of the office and duties of Medical Officer, Rajputana State Railway, on the forenoon of the 1st November 1880, pending arrival of the Officer appointed to officiate for Doctor Willmot.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

Report of a Deserter from the 2-6th Regiment of Foot, dated at Cawnpore, this 27th day of October 1880.

Number, Rank, and Name,—No. 629, Private William Davis.
Age,—23 years.
Size,—5 feet 6 inches.
Color of—
Complexion, fresh; Hair, light brown; Eyes, blue.
Parish and County in which Born,—Bristol, Somersetshire.
Marks,—Tattooed on left forearm.
Trade,—Groom.
Coat or Jacket,— } Regimentals (white clothing).
Waistcoat,— ...
Breeches or Trowsers,— ...
Date of Desertion,—25th October 1880.
Place of Desertion,—Cawnpore.
Date of Enlistment,—9th November 1876.
Place of Enlistment,—Birmingham, Warwickshire.
REMARKS,—None.
Under 4 years' service.

H. B. FEILDEN, *Lt.-Col.,*
Comdg. 2-6th

Report of a Deserter from the 2-6th Regiment of Foot, dated at Cawnpore, this 27th day of October 1880.

Number, Rank and Name,—No. 777, Private Walter Duckworth.
Age,—22 years 9 months.
Size,—5 feet 6 inches.
Color of—
Complexion, sallow; Hair, brown; Eyes, grey blue.
Parish and County in which Born,—Ironbridge, Salop, Worcestershire.
Marks,—Scar on right wrist.
Trade,—Stamper.
Coat or Jacket,— } Regimentals (white clothing).
Waistcoat,— ...
Breeches or Trowsers— ...
Date of Desertion,—25th October 1880.
Place of Desertion,—Cawnpore.
Date of Enlistment,—15th January 1877.
Place of Enlistment,—Solihull, Warwickshire.
REMARKS,—None.
Under 4 years' service.

H. B. FEILDEN, *Lt.-Col.,*
Comdg. 2-6th Regt.

STATEMENT of Government Promissory Notes cancelled for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th September 1880.

PARTICULARS.	3½ PER CENT. LOANS OF 1854-55.	4 PER CENT. LOANS						4½ PER CENT. LOANS									
		Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1866.	REDUCED 4 PER CENT. LOAN OF 1879.	Of 1870.	Of 1871.	Of 1873.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TRANSFER LOAN OF 1870, SEVEN SHILLINGS STERLING PER CENT. PORTION.	5 PER CENT. DEBENTURE FOR 15 YEARS, RE-PAYABLE JUNE 1892.	5 PER CENT. LOAN OF 1855-57.	5½ PER CENT. LOAN OF 1859-60.	TOTAL AMOUNT.
Balance of 15th September 1880 . . .	54,100	38,506	3,413	15,89,546	30,50,100	2,40,92,400	1,10,68,300	1,79,09,600	3,05,01,100	45,87,000	4,49,000	90,14,800	8,37,73,200	1,01,700	34,35,000	65,800	18,37,54,695
Add—																	
Amount enfaced at Madras between 16th and 30th September 1880 . . .	...	...	...	...	...	...	8,000	...	500	...	...	3,000	7,000	...	...	...	18,500
Amount enfaced at Bombay between 16th and 30th September 1880 . . .	...	...	...	...	...	...	...	...	...	...	...	20,000	10,000	...	...	...	30,000
Amount enfaced at Calcutta between 16th and 30th September 1880 . . .	...	...	...	...	...	93,000	8,000	4,200	33,500	3,000	...	2,46,500	11,01,500	...	3,000	...	14,92,700
	54,100	38,506	3,413	15,89,546	30,50,100	2,41,95,400	1,10,76,300	1,79,09,600	3,05,01,100	45,87,000	4,49,000	92,81,300	8,48,91,700	1,01,700	34,38,000	65,800	19,12,95,865
Deduct—																	
Amount written off in the London Registers . . .	...	...	...	59,506	...	4,43,000	...	97,000	46,100	...	...	51,000	12,09,000	...	3,000	...	19,09,406
Balance on 30th September 1880 . . .	54,100	38,506	3,413	15,30,240	30,50,100	2,37,42,400	1,10,76,300	1,78,12,600	3,01,55,000	45,87,000	4,49,000	92,33,300	8,36,82,700	1,01,700	34,35,000	65,800	18,93,86,459

NOTE.—From 9th June 1867 to 31st July 1880, enfaced from India, 3,321 lakhs; re-transferred from London, 3,323 lakhs.
" 1st Aug. 1880 to 15th Aug. " " " 17 " "
" 16th " " to 31st " " " 25 " "
" 1st Sept. " to 15th Sept. " " " 23 " "
" 16th " " to 30th " " " 19 " "
3,405 lakhs.
3,407 " "
Balance against London 446 lakhs.

W. D. CRUICKSHANK,
Dy. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 29th October 1880.

2 b

Statement of the Affairs of the Bank of Bengal ending 30th October 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,269	0	0
Public Deposits at Head Office (Rs. 51,36,860 13 8)	1,80,33,582	14	10
Public Deposits at Branches (Rs. 1,28,96,722 1 2)			
Other Deposits at Head Office and Branches	4,13,84,281	3	0
Bank Post Bills, &c.	5,23,775	1	4
Sundries	11,93,182	10	5
RUPEES	8,34,24,090	13	7

ASSETS.	Rs.	A.	P.
Government Securities	1,34,54,211	0	0
Loans on Government Securities, &c., at Head Office and Branches	59,35,406	5	4
Accounts of Credit on Government Securities, &c., at Head Office and Branches	43,29,771	6	6
Bills discounted and purchased at Head Office and Branches	1,23,89,984	8	5
Balances with other Banks	4,15,931	10	2
Bullion	54,959	1	9
Dead Stock	10,74,436	9	6
Stamps	7,834	5	0
Sundries	3,69,944	6	0
	3,80,32,479	4	8
Cash and Currency Notes at Head Office (Rs. 2,46,90,324 7 9)	4,53,91,611	8	11
Cash and Currency Notes at Branches (Rs. 2,07,01,287 1 2)			
RUPEES	8,34,24,090	13	7

By order of the Directors,

BANK OF BENGAL, *Calcutta, 4th November 1880.*

J. GORDON, *Chief Acctt. & Depy. Secretary.*

W. D. CRUICKSHANK, *Depy. Secy. & Treasurer.*

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Oct. 25	...	...	...	1,81,890	31,56,704	7,65,050
„ 26	...	...	...	1,81,890	30,56,672	7,65,050
„ 27	...	...	1,79,563	116	31,25,703	9,34,563
„ 28	...	...	...	116	29,25,034	9,34,563
„ 29	...	...	...	111	27,26,602	9,34,563
„ 30	...	...	...	111	26,25,660	9,34,563

CALCUTTA MINT, *The 1st Nov. 1880.* J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 4th Nov. 1880 ... Rs. 1,05,89,415-8-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 5th November 1880.*

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, in the month of June 1880 (exact date not known), certain treasure (Chandwadi Rupees 149-11) was found in the house of one Vithoba Patil, of Borkund, Taluka Dhulia, of the Khandesh Collectorate, in the Bombay Presidency.

All persons claiming the treasure in whole or in part, are hereby required to appear personally, or by agent, before the Collector of Khandesh, on the 7th March 1881, at his camp, when he will proceed to hold an inquiry according to law.

———,
Acting Collector of Khandesh.

DHULIA, *The 27th October 1880.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
H149	M37—22292	100	Abdegalli Abdool Cader, Bombay.
H150	M42—33085	10	Mrs. M. Willcox, Igatpuri.
M65	M 9—49603, „ —49632	5	Kistoorchand Mooltan Mull, Neemuch.

BOMBAY, *The 30th October 1880.*

W. D. COWLEY,
for *Offg. Asst. Commissioner.*

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
241	O 69—18723	100	The Secy. and Treasurer, Bank of Bengal, Calcutta.
	„ —32786	100	
	„ —17525	100	
	„ —34297	100	
	„ —37214	100	
	„ —34153	100	
	„ —38301	100	
	„ —20806	100	
	„ —32549	100	
	„ —33544	100	
	„ —42894	100	
	„ —37215	100	
	„ —24246	100	
	„ —20909	100	
	„ —31485	100	
	„ —39198	100	
	„ —37331	100	
	„ —36145	100	
	„ —03734	100	
	„ —38684	100	
	„ —36313	100	
	„ —41617	100	
	„ —42917	100	
	„ —30741	100	
	„ —28416	100	
	„ —36446	100	
	„ —04487	100	
	„ —21119	100	
	„ —33175	100	
	„ —32714	100	
	„ —32709	100	
	„ —36810	100	
	„ —36829	100	
	„ —11758	100	
	„ —42916	100	
	„ —08748	100	
	„ —31809	100	
	„ —37312	100	
	„ —39831	100	
	„ —38717	100	
	„ —24326	100	
	„ —37313	100	
	„ —39830	100	
	„ —32785	100	
	„ —45212	100	
	„ —28418	100	
	„ —34734	100	
	„ —33160	100	
	„ —30655	100	
	O 32—03907 to „ —03986	50 each	
242	O 69—24779	100	Ramfal Ram Hanuman Das.
	O 32—01626	50	
	„ —01627	50	
243	O 69—48683	100	Babu Behari Lal Poramanick.
	„ —48684	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
166	O 52—06297, „ —06296	10	Babu Umes Chunder Poddar
167	O 58—47258, „ —44269	20	Hurruck Chand Mohan Lal.
168	O 54—47204, O 80—80279	10	Babu Jodunath Roy.
169	O 25—37025, „ —30812	20	Chottey Lal Omed Mull.
	L 57—27812, „ —27819	10	
170	O 57—60327, „ —60328	20	Mr. R. M. Waller, C.S.
171	O 12—04879, O 45—89338	10	Babu Ramrutton Dhur.
172	O 18—87069, O 7—74462	10	Babu Janokeynath Naug.
173	O 58—47256, „ —47258	20	Babu Jagannath Sen.
174	L 40—52302, „ —52309	10	Babu Nobin Chunder Choudhury.
253	L 56—96207	5	Babu Umes Chunder Poddar.
	„ —96209	5	
254	O 44—38418	10	Babu Atul Chunder Ghose.
255	O 54—44581	10	Babu Behary Lal Das.
	„ —44587	10	
256	O 61—19180	20	Messrs. Raja Ram & Co.
257	L 11—01113	5	Babu Hari Das Mitra.
	L 10—01669	5	
258	L 72—57954	10	Messrs. Jadoo Roy & Co.
	„ —57955	10	
259	O 79—68056	10	Babu Obhoy Churn Chatterjee.
260	L 25—12657	5	Babu Jagobundeo Banerjee.
261	O 59—54753	20	Mrs. C. Boerresen.
	„ —59821	20	
	O 41—45597	10	

CALCUTTA, *The 5th November 1880.*

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 10—53349	100	Sala Ravuther Mahomed Hussen Sahib, Vaniembady.
J 9—43615	10	R. Venkat Ramiah, Palladom.
J 9—48454	10	A. Ramasami Iyengar, Kolar.
J 8—12059	5	W. E. Clarke, Esq., Calicut.
J 9—51609	10	B. Lovery, Esq., Madras.
J 5—98846	20	Revd. G. O. Newport, Kilpank.
J 7—29529	5	T. Mathooranoyagam Pillay, Bangalore.
J 9—49392	10	V. Sawmy Pillay, Calicut.

CALICUT, *The 20th October 1880.*

J. C. WINSCOM,
Depy. Collr., in charge of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 9—30647	50	Mr. Eduljee Dorabjee, Timekeeper, Harbour Works, Kurrachee.
G 10—38083	100	Esmaeljee Jeevunjee, Shopkeeper, Kurrachee.
G 10—53652	100	Lieutenant M. L. Shipley, 14th Bengal Lancers, Lahore.
„ —53653	100	
G 9—30672	50	Wazirbux, of Gujrat, Punjab.
G 7—81712 * „ —81713	10	Kheema Versee, Salt-dealer, Kurrachee.

* Mismatched.

KURRACHEE, *The 25th October 1880.*

W. PATTON,
Asst. Depy. Commr., P. C., K. C.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
93	E 17—07516	20	Mr. C. B. Carbery, Kurnal.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
140	E 8—33060	5	Baboo Dyal Chunder Dey Calcutta.
154	E 73—56298	100	Private Henery Smart, 72nd Regiment, Meean Meer.

LAHORE, *The 29th October 1880.*

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
135	B 60—76987	10	C. M. Kumaraswami Mudali, Salem.
136	B 56—15649	10	M. Farried Khan, Kadur, Nagar Division.
137	B 62—26782	100	Sidapa Chetti, Kurg.
	„ —36426	100	
	„ —54737	100	
	„ —61344	100	
	„ —62396	100	
	B 51—36876	500	
138	B 46—97871	5	Mr. Ira A. Richards, B.A., Richmond Town, Bangalore.
139	B 47—28125	5	Mr. Coshan, St. Xavier's Street, Madras.
140	B 42—13438	20	Muhammad Khan, 3rd Munshi, District Office, Bangalore.

FORT SAINT GEORGE, *The 25th October 1880.*

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 26th October 1880.

No. 8631.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BOMBAY.

Mr. M. F. Ingle, 3rd Class Marine Officer, has been appointed to be *sub. pro tem.* 2nd Class Marine Officer, *vice* Mr. Todd.

Mr. G. A. T. Bennett, Supernumerary Assistant Marine Officer, has been appointed to be *sub. pro tem.* Marine Officer, 3rd Class, *vice* Mr. Ingle.

POSTAL CIRCLE, EASTERN BENGAL.

Moulvi Habibur Rahmon has been appointed to be Superintendent, Post Offices, Chittagong Division.

Mr. R. Rose has been appointed to be Deputy Postmaster General, Eastern Bengal.

POSTAL CIRCLE, BRITISH BURMA.

Mr. J. B. Short has been appointed to be Examiner of Post Office Accounts.

G. J. HYNES,

for *Depy. Dir. Genl. of the Post Office of India.*

Calcutta, the 5th November 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	5 P. M.	13th Nov.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 ,,	8th ,,	Str. *Chanda.*
Madras and Ceylon	6 ,,	8th ,,	P. and O. Str, *Nepaul.*
Foreign Mails *viâ* Bombay . .	6 ,,	10th ,,	From Bombay.
Do. Book Post and Pattern Packets	6 ,,	9th ,,	From Bombay.
Rangoon, Moulmein and Straits .	6 ,,	11th ,,	Str. *Oriental.*
Chittagong, Akyab, and Rangoon	6 ,,	12th ,,	Str. *Madras.*
Madras, Ceylon, Batavia, Singapore, and China	6 ,,	13th ,,	French Str. *Meinam.*
Persian Gulf.	6 ,,	6th ,,	From Bombay.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 4th November 1880.

Adolphus, J.
Alston, Capt. Thomas.
Anderson, Mrs. C.
Bermon, Monsieur T.
Bernard, Mrs. A.
Bernard, A. F.
Bholanath Ghose.
Braybrooke, Mrs. J. F. G.
Campbell, W.
Canfield, Mrs. Georgina.
Connor, J. L.
Cotton, Lt., Bengal Police.
Crichton, Mrs. Jane.
Dass, B.
David, J. S.
Debendro Chundra Bose.
Dias, Francis.
Drozario, Mrs. W.
DuBois, H. C.
Escomb, Brass & Co.
Farmer, Mrs. P.
Frances, W. G.
Franklin, —.
Galloway, A. S. F.
Gangoody, T.
Gilbert, Gunner.
Gilford, Love & Co.
Gomes, Frank.
Grant, J.
Gray, G.
Greenberg, M.
Hall, F. R. King.
Hancock, W.
Hanton, W.
Harris, P. H.
Harvey, G. M.
Harvey, J. R.
Harwood, W. L.
Haslam, P.
Hervey, J. L.
Jacks, Mrs.
James, Mrs.
Jones, Mrs. E. W. Warde.
Kay, T. W.
Lautwar, L. A.
LeMarchand, A.
Macdonald, Mrs. G.
Mackenzie, R. C.
Mason, —.
Meyer, E.
Mick, Rev. M.
Moore, Capt. F. G.
Mosile, S.
Packer, William.
Pereira, Miss Agnes.
Rotherham and Sons.
Ryves, G. F. C.
Scott, Mrs. J. R.
Simpson, J. A.
Summington, Mrs.
Smith, Madame Anna M.
Surgeon Smith, W. F. (passenger steamer *Nepaul.*)
Suart, R.
Thomas, Miss B.
Tonnet, Monsieur Thomy.
Weise, Berta.
Williams, Mrs. F.
Wilson, Mrs.

Letters marked "Care of Post Office, to be kept till called for."

Anson, Capt.
Bailly, Harris.
Barker, T. W.
Bernheim, Monsieur.
Blackton, T. W.
Bryne, Joseph.
Buckland, Fred.
Byron, E. C. A.
Caller, Monsieur L.
C. G. C.
C. W. S.
Canham, John.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coan, John.
Coombs, J. W.
Coondoo, M. C.
Cooper, John.
Coote, Walter.
[illegible], Le Comte O.
Evans, J.
Fan[illegible], C.
Foster, E. (S. S. [illegible].)
Frank, Gretha.
Garrick, D.
Gibbons, E. J.
Gibbons, Rev. B.
Godlu, Francis.
Gordon, E. F. (P. W. D.)
Griffin, W. H.
Harford, J.
Harman, J. M.
Hastings, C. G. W.
Hay, G.
Hewett, H. J.
Hopekirk, William.
Hughes, Pringle.
Hynes, Mrs.
Jackson, R. A.
Jackson, W.
Johnston, Capt.
Kohn, Herrn Jasef M.
Landfield, F.
Man, Alex.
Meeredy, James McG.
Ottley, Captain J. W.
Owen, H. M.
Pearson, Lewie.
Perks, M. J.
Prendergast, Mrs. C. L.
Phelps, Mrs. C. Harris.
Pogose, John.
Rae, William.
Reid, R.
Richardson, Capt.
Rishworth, J.
Roe, Lt. R. J.
Sandeman, W. A.
Scanlon, G. A. R.
Sevastopulo, A. E.
Simpson, L.
Sinclair, J. L.
Smith, A. A.
Stuart, F.
Thompson, W.
Tobin, John.
Usborne, W.
Van Lack, Mrs.
Waddell, Surgeon La.
Warde, Mrs.
Whishaw, Dr. C.
Whyte, Mrs. M. M. J.
Wilkinson, Mrs. Mary.
Williams, E. J.
Williamson, Capt. W. J.
Willie.
Wilson, Alex.

Newspapers.

Buchanan, Beverley.
Griffin, W. H.
Morton, M.
O'Brien, S. H. G.
Usborne, W.

Registered Letters.

Farmer, G. K.
Flewker, John.
Jelly, S. John.
Jennings, T.
Lustig, A.
Rosa, Lorenzo.
Scanlan, C. A. R.
Shury, C. T.
William, Smyth (late of *Falls of Clyde.*)

E. C. GEORGE,

Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*

Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows :—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar :

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gachidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road :

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway :

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd ,, ,, 1 ,, ,,

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,

Asst. Conservator of Forests, Buxa.

BUXA,
The 9th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فیوج ،

یہہ دوا کوئینائین کے خوب قایم مقام هي اور کلکتہ کے
بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب [illegible]
ملازم سرکاري واسطے سرکاري کام اور خیرات کے [illegible]
اونکے جوکوئي ایک مشت بیس پونڈ خرید لیئے سے بقیمت
نقد حسب نرخ ذیل خرید کرسکتے هیں یعنے نرخ چار اونس
کے ٹین کا چار روپیہ آٹھہ آنہ ؛ آٹھہ اونس کے ٹین کا آٹھہ روپیہ
آٹھہ آنہ ؛ ایک پونڈ کے ٹین کا سولہ روپیہ آٹھہ آنہ ،

اور عوام‌الناس بوٹانکل گارڈن یعنے کمپني باغ کے
سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید
کرسکتے هین یعنے نرخ چار اونس ٹین کا پانچ روپیہ آٹھہ آنہ ؛
آٹھہ اونس کے ٹین کا دس روپیہ آٹھہ آنہ ؛ ایک پونڈ کے ٹین
کا بیس روپیہ ،

یہہ دوا کلکتہ کے بڑے بڑے ولایتي اور دیسي
دواخانونمیں بکتي هی ماسیواے قیمت مذکورۂ بالا کے
محصول ڈاک چار اور آٹھہ اونس کے ٹین کا آٹھہ آنہ ؛ اور ایک
پونڈ کے ٹین کا بارہ آنہ ،

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS :—

Description.	No.	Size.	Price.	REMARKS.
			Rs.	
Bull's Dredgers . .	39	1½ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	8	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,

Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set :

Terms of subscription, payable annually in advance.

	Without Postage.	With Postage.
For the CALCUTTA SERIES ...	Rs. 35	Rs. 37-8
" MADRAS SERIES ...	" 8	" 9
" BOMBAY SERIES ...	" 8	" 9
" ALLAHABAD SERIES	" 8	" 9
Complete set... ...	" 45	" 47-8

The price of each Part purchased separately will vary according to the amount of matter it contains, and will be printed on the wrapper. It will, however, never be below the following :—

For a Part of the CALCUTTA SERIES ...	Rs. 3	8
" " MADRAS SERIES ...	" 1	0
" " BOMBAY SERIES ...	" 1	0
" " ALLAHABAD SERIES .	" 1	0
Complete set	" 4	0

Persons desiring to subscribe for or purchase the Reports, should apply to—

MESSRS. THACKER, SPINK AND CO., CALCUTTA;
MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 13, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

From the 27th November next till further notice the entire *Gazette of India*, with the Supplement, will be published at Calcutta. After the 20th November, all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO MARINERS.

No. 17 of 1880.

INDIAN OCEAN—MOZAMBIQUE CHANNEL.

MADAGASCAR—WEST COAST.

Shoal south-west of Barren Islands.

The following account has been recently published by the Spanish Government—on the authority of D. Francisco Viñes, Captain of the Corvette *Rosa del Juria*—of the existence of a detached shoal lying south-west of Barren islands, west coast of Madagascar, nearly 50 miles distant from that group:—

This danger (*Bajo del Viñes*) was sighted from the *Rosa del Juria* at 10 A.M., on 22nd December 1871, bearing to the west-south-west, distant about 1½ miles—the vessel being then in 41 fathoms over sand and shells. On nearing it to the distance of about half a mile, the depth of 3¾ fathoms over coarse sand was obtained. Captain Viñes then landed on the bank, and describes it as being composed of sand, almost circular, about 14 yards in diameter and to dry about 2 feet at low water, with 1¾ fathoms at the distance of half a cable around.

Position as given, lat. 18° 51′ 30″ S., long. 43° 1′ 25″ E.

By Direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*

Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 5th November 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 159, 507, 748*a* and 2483. Also Taylor's Sailing Directory, Vol. I, page 548.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd November 1880.

Offices opened and closed during the month of October 1880:—

Name of Station.	Where situated.	Date.	REMARKS.
Budeshkheyl	Afghanistan	18th	Closed.
Dehra Dhoon	N.-W. P.	8th	Opened.
Gunesh Khind	Bombay Presdy.	18th	Closed.
Karikal	Madras	4th	Opened.
Khusialghur	Punjab	11th	Closed.
Koorum Fort	Afghanistan	15th	Ditto.
Lawrencepore	Punjab.	23rd	Ditto.
Mahableshwar	Bombay Presdy.	1st	Re-opened.
Matheran	Ditto	1st	Ditto.
Mundoorie	Afghanistan	20th	Closed.
Pir Chowkey	Beluchistan	14th	Opened.
Saugor	Central India	25th	Closed.
Shalofzan	Afghanistan	7th	Ditto.

Calcutta, the 6th November 1880.

No. 23.—Mr. P. M. Madge, an Assistant Superintendent of the 4th Grade, is allowed privilege leave for thirty days, under Section 44 of the Civil Leave, with effect from the forenoon of the 8th October 1880.

The 8th November 1880.

No. 24.—Mr. H. A. Kirk, an Assistant Superintendent of the 1st Grade, is allowed privilege leave for three months, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 1st November 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATION.—ESTABLISHMENT.

Indore, the 6th November 1880.

No. 23.—Baboo Gyan Chunder Roy, Assistant Engineer, 2nd Grade, has passed the colloquial examination required by Public Works Code, Chapter II, paragraph 20.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E.,*
Secy. to Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 3rd November 1880.

No. 1454 *G.*—Surgeon D. Ffrench Mullen, M.D., in medical charge of the Meywar Bheel Corps, is granted the usual subsidiary leave from such date as he may avail himself of the same to enable him to proceed to Ahmedabad to appear before a Medical Board.

The 5th November 1880.

No. 1490 *G.*—First Class Hospital Assistant Abdoola Khan, of the Abu Dispensary, is permitted to retire from the service, with effect from the 31st October 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 2nd November 1880.

No. 69.—Lieutenant-Colonel Æ. Perkins, R.E., Superintending Engineer, 1st Grade, on return from field service, is temporarily attached to the Office of the Inspector General of Military Works, which he joined on the forenoon of 20th October 1880.

No. 70.—Lieutenant-Colonel Æ. Perkins, R.E., Superintending Engineer, 1st Grade, on return from field service, is granted three months' privilege leave, with effect from 1st November 1880, under the orders contained in Government of India, Public Works Department, No. 1841 G., dated 21st October 1880.

The 4th November 1880.

No. 71.—Major T. C. Manderson, R.E., Executive Engineer, 1st Grade, on return from furlough, is posted to the Rawalpindi Command, Military Works.

Major Manderson, Executive Engineer, received charge of the Rawalpindi Command, Military Works, from Major H. McV. Crichton, R.E., Officiating Superintending Engineer, on the forenoon of 25th October 1880.

No. 72.—Major H. McV. Crichton, R.E., Executive Engineer, 1st Grade, and Officiating Superintending Engineer, Rawalpindi Command, Military Works, on being relieved of the charge of that Command, is transferred to the Meerut Command, Military Works.

The 6th November 1880.

No. 73.—Lieutenant T. P. Cather, R.E., Assistant Engineer, 1st Grade, on return from field service, is posted to the Rawalpindi Command, Military Works.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Sirhind & Lahore Command.

The 3rd November 1880.

No. 82.—Lieutenant E. Glennie, R.E., Temporary Executive Engineer, 4th Grade, transferred to the Sirhind and Lahore Command, Military Works, reported his arrival at Kasauli, on the afternoon of the 26th October 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 2nd November 1880.

No. 152.—In Director General of Railways' Notification No. 146, dated 23rd October 1880, *for* "Mr. J. Hogan, Assistant Engineer, 1st Grade, from the Pindi-Peshawar Section of the Punjab Northern State Railway," *read* "Mr. W. E. Newham, Assistant Engineer, 2nd Grade, from the Bombay Railway Establishment."

The 3rd November 1880.

No. 153.—Mr. A. T. Chiodetti, Assistant Engineer, 3rd Grade, is transferred from the Punjab Northern State Railway, Pindi Junction Peshawar Section, to the Kandahar State Railway, Upper Section.

The 4th November 1880.

No. 154.—Mr. T. E. Curry, Assistant Engineer, 1st Grade, is transferred from the Pindi-Kohat to the Pindi Junction Peshawar Section of the Punjab Northern State Railway.

No. 155.—Baboo Russick Lall Roy, Assistant Engineer, 1st Grade, is transferred from the Punjab Northern State Railway, Open Line, to the Kandahar State Railway, Lower Section.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 5th November 1880.

No. 20.—With reference to Government of India, Public Works Department, Notifications Nos. 317, 323 and 334, dated 29th September and 1st and 15th October 1880, respectively, Mr. J. Ramsay received, and Captain J. A. Little, S.C., made over, charge of the Office of Engineer-in-Chief, Indus Valley State Railway, on the forenoon of 2nd November 1880.

T. B. B. SAVI, *Captain, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATIONS.

Lahore, the 30th October 1880.

No. 25.—With reference to the Consulting Engineer for Guaranteed Railways' Notification No. 27, dated 22nd October 1880, Mr. W. A. Freeman, Officiating Traffic Superintendent, was relieved of his duties on this line on the forenoon of 2nd idem.

The 4th November 1880.

No. 26.—With reference to late Engineer-in-Chief Rathial-Pindi Section's Notification No. 13, dated (blank) September 1880, *vide Gazette of India,* Part II, page 547, Mr. H. B. Molesworth, Assistant Engineer, availed himself of the leave therein granted on the afternoon of 5th October 1880.

W. SEDGWICK, *Capt., R.E.,*
Offg. Manager.

PUNJAB NORTHERN STATE RAILWAY, Pindi Junction to Peshawar Section.

NOTIFICATION.

Rawalpindi, the 6th November 1880.

No. 40.—In continuation of this Office Notification No. 38, dated 8th October 1880, Mr. H. J. Oddie, Assistant Engineer, 2nd Grade, returned to duty on the forenoon of 25th October, from three months' sick leave granted him in Director General of Railways' Notification No. 119, dated 31st August 1880.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Pindi-Kohat Section.

NOTIFICATION.

Rawalpindi, the 6th November 1880.

No. 10.—Referring to Director General of Railways' Notification No. 148, dated 23rd October, Mr. T. L. Tanner, Executive Engineer, 4th Grade, was relieved of his duties on the Pindi-Kohat Section on the forenoon of the 9th October 1880.

T. GRACEY, *Capt., R.E.,*
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY, Manager's Office.

NOTIFICATION.

Agra, the 4th November 1880.

No. 23.—Under instructions from the Director General of Railways, Mr. J. E. P. Lincké, Executive Engineer, 4th Grade, is granted privilege leave for one month and twenty-four days, with effect from the 8th November 1880, or such subsequent date as he may avail himself of it.

No. 24.—With reference to Director General of Railways' Notification No. 145 of the 23rd October 1880, Mr. A. S. Gerrard, Assistant Engineer, 1st Grade, reported his departure from this Railway on the 28th idem.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

COMPTROLLER GEN

No. 1602.—*Account of Revenue and Expenditure of the Government of India for the*

N. B.—Amounts are converted into

REVENUE AND RECEIPTS.	Estimates. 1880-81.	April to May 1879.	April to May 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	3,829,158	3,427,773	...	401,685
II.—Tributes	698,000	129,820	129,837	17	...
III.—Forest	688,400	61,709	36,414	...	25,295
IV.—Excise on Spirits and Drugs	2,782,000	455,579	522,759	67,180	...
V.—Assessed Taxes	535,000	140,146	46,830	...	93,316
VI.—Provincial Rates	2,764,000	533,127	496,034	...	37,093
VII.—Customs	2,175,000	401,248	392,273	...	8,975
VIII.—Salt	7,541,000	1,235,108	1,192,239	...	42,869
IX.—Opium	9,410,000	1,574,893	1,568,707	...	6,186
X.—Stamps	3,194,000	530,283	540,560	10,277	...
XI.—Registration	265,000	37,464	46,936	9,472	...
XII.—Mint	196,000	65,045	17,536	...	47,509
XIII.—Post Office	1,008,000	173,688	190,858	17,170	...
XIV.—Telegraph	463,100	18,524	78,736	60,212	...
XV.—Minor Departments	61,700	5,673	6,310	637	...
XVI.—Law and Justice	680,000	91,261	96,565	5,304	...
XVII.—Police	232,000	32,828	36,104	3,276	...
XVIII.—Marine	226,000	21,721	26,598	4,877	...
XIX.—Education	137,000	23,779	27,857	4,078	...
XX.—Medical	38,200	13,496	4,359	...	9,137
XXI.—Stationery and Printing	45,000	5,774	8,655	2,881	...
XXII.—Interest	641,000	183,169	118,042	...	65,127
XXIII.—Pensions	291,700	13,501	12,324	...	1,177
XXIV.—Miscellaneous	262,000	40,162	35,578	...	4,584
XXX.—Gain by Exchange	237,000	—6,932	923	7,855	...
TOTAL	56,633,100	9,610,524	9,060,807	...	549,717
XXIX.—Army	800,200	120,335	128,744	8,409	...
XXVII.—Other Public Works	456,700	48,623	56,044	7,421	...
XXVI.—Irrigation and Navigation	860,200	10,338	25,414	15,076	...
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	1,892,781*	1,220,322	...	672,459
XXV.—State Railways	4,720,000	198,903	1,003,281	804,378	...
XXVIII.—Provincial and Local Deficits	247,200	9,100	13,584	4,484	...
TOTAL	71,217,400	11,890,604	11,508,196	...	382,408
England, including Army, Public Works Ordinary, &c.	203,800	55,722	54,757	...	965
GRAND TOTAL	71,421,200	11,946,326	11,562,953	...	383,373

* Includes £616,016 as traffic receipts for East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 9th November 1880.

C. R. C. KIERNANDER,
Deputy Comptroller General.

ERAL'S OFFICE.

Second month of the year 1880-81, as compared with the corresponding period of 1879-80.

sterling @ Rs. 10 to the Pound Sterling.

EXPENDITURE.	Estimates, 1880-81.	April to May 1879.	April to May 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	368,380	427,487	59,107	...
2.—Interest on Service Funds	398,400	33,651	23,224	...	10,427
3.—*Refunds and Drawbacks*	318,000	49,814	60,007	10,193	...
4.—Land Revenue	2,994,400	446,868	455,136	8,268	...
5.—Forest	527,600	47,543	30,050	...	17,493
6.—Excise	111,000	29,244	33,221	3,977	...
7.—Assessed Taxes	20,000	6,966	2,810	...	4,156
8.—Provincial Rates	53,000	3,679	4,468	789	...
9.—Customs	204,000	33,154	32,484	...	670
10.—Salt	368,000	45,890	40,911	...	4,979
11.—Opium	2,159,500	989,556	980,923	...	8,633
12.—Stamps	77,500	12,564	12,898	334	...
13.—Registration	166,000	22,643	28,409	5,766	...
14.—Mint	91,500	12,411	11,550	...	861
15.—Post Office	1,043,800	166,074	215,489	49,415	...
16.—Telegraph	380,900	58,641	62,889	4,248	...
17.—Administration	1,245,500	200,453	201,693	1,240	...
18.—Minor Departments	415,100	57,339	58,728	1,389	...
19.—Law and Justice	3,350,900	529,056	519,881	...	9,175
20.—Police	2,513,000	389,936	404,883	14,947	...
21.—Marine	419,000	53,801	52,805	...	996
22.—Education	1,015,800	145,846	154,729	8,883	...
23.—Ecclesiastical	158,600	25,769	26,189	420	...
24.—Medical	701,400	101,598	101,863	265	...
25.—Stationery and Printing	415,700	50,981	58,009	7,028	...
26.—Political	393,000	53,438	69,781	16,343	...
27.—Allowances	1,824,900	223,175	288,658	66,483	...
28.—Civil Furlough and Absentee Allowances	3,000	558	822	264	...
29.—Superannuation	646,300	157,850	195,839	37,989	...
30.—Miscellaneous	243,300	49,543	43,356	...	6,187
31.—Famine Relief	5,000	4,441	14,162	9,721	...
37.—Loss by Exchange	3,411,000	423,003	571,067	148,064	...
TOTAL	29,044,200	4,792,865	5,184,421	391,556	...
36.—Army	15,171,900	2,179,305	2,160,545	...	18,760
34.—Other Public Works	4,216,500	294,663	146,668	...	147,995
33.—Irrigation and Navigation	1,026,800	91,960	85,332	...	6,628
32.—Working Expenses (Guaranteed Railways)	4,675,000	510,593*	384,584	...	126,009
32.—Surplus Profits paid to Railway Companies	450,300	31,323	515	...	30,808
32.—Guaranteed Interest in India	9,000	...	...	...	...
32.—Land and Supervision	69,500	9,909	8,845	...	1,064
32.—State Railways	1,630,200	158,879	805,548	646,669	...
35.—Provincial and Local Surpluses	129,400	520,882	643,423	122,541	...
TOTAL	56,422,800	8,590,379	9,419,881	829,502	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	1,638,755	2,140,707	501,952	...
TOTAL	71,002,400	10,229,134	11,560,588	1,331,454	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	327,592	380,026	52,434	...
Ditto ditto in England	966,000	64,596	55,272	...	9,324
TOTAL	3,312,000	392,188	435,298	43,110	...
GRAND TOTAL	74,314,400	10,621,322	11,995,886	1,374,564	...

* Includes £144,875 as working expenses for East Indian and Jubbulpore Lines.

J. WESTLAND,
Comptroller General.

Statement of Transactions of District Savings Banks for the quarter ending 30th September 1880.

Province.	Number of Banks open.	Deposits. No.	Deposits. Amount.	Withdrawals. No.	Withdrawals. Amount, Principal.	Withdrawals. Amount, Interest.	Balance.
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Bengal	45	3,549	6,57,053 13 10	1,203	3,11,666 12 9	866 11 8	23,04,548 12 5
Assam	11	701	1,14,590 1 1	246	49,307 3 9	197 9 11	3,34,815 14 7
N.-W. Provinces and Oudh	48	4,148	5,26,508 9 5	724	1,98,605 7 4	455 0 9	15,85,851 5 4
Punjab	23	1,445	4,67,081 14 0	427	1,17,707 14 10	307 0 3	12,53,730 9 5
Central Provinces	18	473	1,22,826 3 3	143	23,928 0 5	60 7 3	4,51,585 10 1
British Burma	13	522	88,474 7 4	192	41,547 8 1	189 2 2	2,38,739 6 3
Berar	4	170	37,539 15 0	37	4,351 7 9	0 4 10	1,42,285 15 9
India	9	849	1,15,719 10 4	216	36,331 10 6	142 10 11	3,99,693 0 5
State Railways	13	6,558	75,747 12 4	160	10,502 8 10	24 8 1	88,855 12 0
TOTAL	184	18,695	22,05,542 6 7	3,348	7,93,951 10 3	2,243 7 10	68,00,106 6 3

J. WESTLAND,
Offg. Comptroller General.

CALCUTTA,
The 9th November 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 9th November 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,269	0	0
Public Deposits at Head Office (Rs. 64,06,068 2 3); Public Deposits at Branches (1,38,77,220 2 1)	2,02,83,288	4	4
Other Deposits at Head Office and Branches	4,32,79,893	0	8
Bank Post Bills, &c.	3,27,176	1	8
Sundries	12,78,357	11	5
RUPEES	8,74,58,284	2	1

ASSETS.	Rs.	A.	P.
Government Securities	1,37,85,310	7	0
Loans on Government Securities, &c., at Head Office and Branches	59,58,940	5	1
Accounts of Credit on Government Securities, &c., at Head Office and Branches	49,77,747	5	6
Bills discounted and purchased at Head Office and Branches	1,27,21,300	15	4
Balances with other Banks	2,94,730	14	4
Bullion	50,535	15	11
Dead Stock	10,72,989	10	8
Stamps	8,042	1	0
Sundries	3,70,012	15	0
	3,92,39,610	9	10
Cash and Currency Notes at Head Office (Rs. 2,57,41,152 0 2); Cash and Currency Notes at Branches (2,24,77,521 8 1)	4,82,18,673	8	3
RUPEES	8,74,58,284	2	1

BANK OF BENGAL,
Calcutta, 12th November 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
R. HARDIE,
Secretary & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on: General Treasury.	Certificates issued on: Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nov. 1	...	...	...	111	25,25,571	9,34,563
„ 2	Holidays.					
„ 3						
„ 4	...	...	...	111	24,27,877	9,34,563
„ 5	...	...	118	...	23,37,688	9,34,675
„ 6	...	...	...	...	22,37,638	9,34,675

CALCUTTA MINT,
The 8th Nov. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 9th Nov. 1880 ... Rs. 80,71,765-8-10.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 12th November 1880.

TREASURE TROVE.

It is hereby notified that, on the 6th August 1880, a brass pot containing some silver and gold jewels valued at about Rs. 82, was found in the compound of the house of Jalapareddy Pitchireddy and Papereddy, in Atmakur, Atmakur Taluq.

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Nellore, on the 10th March 1881, in order to the matter being enquired into and determined in accordance with the provisions of the Indian Treasure Trove Act VI of 1880.

J. GROSE,
Collector.

NELLORE COLLECTOR'S OFFICE,
The 19th October 1880.

Descriptive Return of a Man belonging to 2-8th King's Regiment, who deserted on the 6th November 1880 whilst on the line of march.

Rank and Name,—Private William Robinson.
Height,—5 feet 5¼ inches.
Age,—30 years 2 months.
Complexion,—Fresh and sharp.
Hair,—Brown.
Eyes,—Brown.
Service,—9 years 2 months.
Dress,—Khaki coat and trowsers, regimental boots, white flannel shirt, socks, no helmet.
Place of Desertion,—Camp Gagan.
REMARKS,—Escaped from hospital tents about 5 A.M., 6th November 1880. Was a patient in hospital for lunacy. Direction in which gone not known.

C. E. GROGAN, *Colonel,*
Commdg. 2-8th King's Regt.

Report of a Deserter from the A Battery, C Brigade, Royal Horse Artillery, dated at Ludhiana, this 8th day of November 1880.

Number, Rank, and Name,—No. 885, Gunner John Roberts.
Age,—26 years.
Size,—5 feet 8 inches.
Color of—
Complexion, fresh; Hair, brown; Eyes, grey.
Parish and County in which Born,—Melbourne, Australia.
Marks,—None.
Trade,—Clerk.
Coat or Jacket,—White clothing.
Waistcoat,—White clothing.
Breeches or Trowsers,—Had apparently blue clothing with him.
Date of Desertion,—20th October 1880.
Place of Desertion,—Umballa, was on leave for shooting, 27th to midnight, 28th October 1880.
Date of Enlistment,—8th September 1875.
Place of Enlistment,—Dublin.
REMARKS,—None.
Under 6 years' service.

A. CAMPBELL, *Capt., R.A.,*
Comdg. A Batty., C Bde., R. H. A.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
211	D 16—05488	10	Heera Singh, Ghazipur.
	„ —14137	10	
212	D 18—56701	100	Syud Ally, Lucknow.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
158	D 14—45074	20	Watten J. Collis, Esq., Allahabad.
159	D 11—77232	10	H. J. F. Pratt, Esq., Bareilly.
	D 14—06832	20	
	„ —06837	20	
	„ —06838	20	
160	D 12—33920	5	Ram Pershad Sunder Lall, Cawnpore.
161	D 16—10775	10	J. T. Crawford, Esq., C. S., Fyzabad.
	D 17—08383	50	
	D 18—47150	100	
	„ —48257	100	
	„ —50535	100	
162	D 16—27411	10	Mr. H. F. Nettles, Meerut.
	„ —27412	10	
163	D 8—27437	500	Molvi Obaidul Ruhman, Allahabad.
26	D 17—06808 *	50	Messrs. W. H. Fitze & Co., Calcutta.
	„ —06807 *		
27	D 10—54312 *	5	Messrs. Hajee Ahmud & Co., Calcutta.
	„ —54309 *		
	D 16—24165 *	10	
	„ —24158 *		

* Mismatched.

ALLAHABAD,
The 10th November 1880.

W. T. PIERCY, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No. 1880.	No. of Notes.	Value. Rs.	Name of Claimant.
W63	M 46—42618	50	Manual St. Ann D'Souza, Surat.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No. 1880.	No. of Notes.	Value. Rs.	Name of Claimant.
H151	M 31—36107	10	Pandharinath Bhagawanta, Baramati.
H152	M 1—66020	5	Hari Mohonraj, Bhavnagar.
	M 2—75445	5	
H153	M 49—05050	10	H. F. Nettles, Meerut.
H154	M 46—04291	50	E. H. Hallum, Ahmednagar.

BOMBAY,
The 9th November 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
244	O 90—17264	10	Babu Dhurmo Das Bose.
	„ —45466	10	
	„ —45465	10	
	„ —45463	10	
	O 38—62762	5	
245	O 69—47410	100	Hurryhur Sing Saheb Sing.
	„ —25024	100	
	„ —12872	100	
248	O 31—72416	50	Mr. D. Webester.
251	O 70—27479	500	Babu Moheemohan Ghose.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
262	O 80—51683	10	Babu Bhola Nath Mukerjee.
263	O 68—78458	100	Mr. O. Weynton.
264	O 60—22309	20	Mr. W. J. Collis.
175	A 95—91704	10	The Superintendent of Post Offices, Burdwan Division.
	A 97—81784		
176	O 59—94435	20	Babu Mohes Chunder Sircar.
	„ —94439		
177	O 36—08446	5	Babu Hurro Lal Sircar.
	„ —08445		
178	L 56—30294	5	Syed Rohim Ali.
	L 55—63008		

CALCUTTA,
The 12th November 1880.

FRED. GREENWAY,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 8—10555 ...	5	Commissioner of Paper Currency, fo Arunagiri Mudali, Head Classifier, Revenue Settlement Party No. III, Udunalapetta, Coinbatore.
J 9—49620 ...	10	

CALICUT,
The 5th November 1880.

J. C. WINSCOM,

Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	Rs.	
I 14—23229 ...	100	Mr. P. Venkatakrishnama Naidu, Barrister-at-Law, of Vizagapatam.

COCONADA,
The 26th October 1880.

———————,

Actg. Depy. Collr.,
In charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
94 ...	E 16—82681 ...	10	W. Woodward, Esq., Murree.
95 ...	E 15—56574 ...	50	Fakeer Chand, Lahore.
	„ —56359 ...	50	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
155 ...	E 13—46842 ...	100	Dr. T. H. White, through Messrs. Grindlay & Co., Calcutta.
157 ...	E 15—50020 ...	50	Sunder Das, Wazeerabad.
	„ —55819 ...	50	
	E 13—58532 ...	50	
158 ...	E 1—48561 ...	1,000	The Manager, Rohilkund and Kumaon Bank, Limited, Naini Tal.
159 ...	E 8—30646 ...	5	Mr. G. Smith, Lance Corporal, 72nd Highlanders, Meean Meer.
	„ —30647 ...	5	

LAHORE,
The 6th November 1880.

C. G. VANSITTART,

Asst. to Acctt. Genl., in charge of Currency Offic.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
66 ...	B 61—55973 ...	50	Mr. R. Enright, Overseer, P. W. D., Pulicat.
67 ...	B 47—10823 ...	5	Mr. J. Chalon, Supervisor, D. P. W., Chillikerri, Chittledroog District.
	„ —10824 ...	5	
68 ...	B 60—34289 ...	10	C. Arnageri Mudali, Udamalpet, Coimbatore.
69 ...	B 57—47715 ...	20	A. Balakrishna Sastri, Madura.
70 ...	B 62—80173 ...	100	Surgeon G. L. Walker, Cocanada

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
141 ...	B 47—11694 ...	5	K. Govindu Charier, Bangalore.
142 ...	B 66—24590 ...	100	C. V. Mutia Chetti, Coral Merchant Street, Madras.
	„ —26544 ...	100	
143 ...	B 59—82788 ...	100	Lutiff Gunny, Bombay.
	B 66—15342 ...	100	
144 ...	B 62—51408 ...	100	Arni Annaswami Mudali, Mint Street, Madras.
	B 66—20391 ...	100	
145 ...	B 60—40484 ...	10	A. Ramaya Chetti, Black Town, Madras.
146 ...	B 59—05305 ...	100	Chinnabassappa Chetti, Black Town, Madras.
	B 51—44891 ...	500	
147 ...	B 56—97117 ...	10	Mr. J. H. Polutt, Vellore.
	B 60—33777 ...	10	
148 ...	B 47—10897 ...	5	E. C. Sachedanandam Pellai, Chintamani, Kolar District.
19 ..	B 66—16826 *	100	Hafiz Imamudeen & Co., Merchants, Aligarh.
	„ —17726 *		
20 ...	B 60—65242 *	10	M. Purung Sing, Black Town, Madras.
	„ —65289 *		

* Wrongly joined.

FORT SAINT GEORGE,
The 6th November 1880.

C. HALL,

Offg. Asst. to the Acctt. Genl.,
in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 12th November 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	20th Nov.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	15th „	Str. *Sirdhana.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies .	6 „	16th „	From Bombay.
Foreign Mails *viâ* Bombay . .	6 „	17th „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	16th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	18th „	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon . .	6 „	19th „	Str. *Mahratta.*
Madras, Ceylon, Batavia, Singapore, and China	6 „	13th „	French Str. *Meinam.*
Straits and Hong-Kong . .	6 „	16th „	Strs. *Japan* and *Moray.*
Persian Gulf.	6 „	13th „	From Bombay.

* Also *viâ* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Be, and Reunion can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 12th November 1880.

Banerjee, G. Chunder (merchant).
Barnett, W.
Batel, W.
Bean, W. D.
Bepin Behary Mukerjee.
Bermon, Monsieur T.
Bholanath Ghose.
Biswas, Messrs. A. C. & Co.
Blanchard, S.
Braybrooke, Mrs. J.F.G.
Cadwallader, W. G.
Campbell, W.
Christianna, Miss.
Cohen, M. E.
Cummins, Mrs. L. A.
Dass, R.
David, J. S.
Debendro Chundra Bose.
Denison, —.
Duncan, James.
Davies, Mrs. H. H., care of Joy Kissen Chand.
Franklin, —.
Gangoody, T.
Gomes, Frank.
Gomes, A.
Gordon, C. W.
Grant, J.
Greenberg, M.
Harrison, E. F.
Harvey, G. M.
Herbert, R.
Hickman, J.
Hicks, Major N. H.
Ivey, W.
Jacks, Mrs.
Jelly, Stephen J.
Jennings, T.
Jones, Mrs. A. R.
Kay, T. W.
Kemp, J. W.
Kuppel, G.
Lepper, F.
Lovelock, Arthur.
Macdonald, Mrs. G.
Mackenzie, R. C.
Mackradt, H. C.
Manager, Beadon Press.
Meyer, E.
Moore, Capt. F. G.
Morgan, W. F.
Murray, Mrs. H.
Neish, Mrs. J.
Nester, P. Patrick.
Pano, E.
Rodan, A.
Ryves, G. F. C.
Scott, Mrs. J. R.
Shaw, A.
Simpson, J. A.
Simmington, Mrs.
Smith, W. F.
Smith, W. F.
Stade, G., (steamer *Electric.*)
Stewart, S.
Strada, R.
Strada, Mrs. Veronica.
Tonnet, Monsieur Thomy.
Walch, F. W.
Warden, Messrs. C. T. & Co.
Webb, E.
White, Miss.
Wigram, Lieut. A. R.
Williams, Capt. T. W.

Letters marked "Care of Post Office, to be kept till called for."

Amey, Mrs. A. W.
Antonietto, Monsieur Verginio.
Bailly, Harris.
Balzer, Mrs. Rosina.
Bernheim, Monsieur.
Blackton, T. W.
Bryne, Joseph.
Byron, E. C. A.
Caller, Monsieur L.
C. W. S.
Canham, John.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coombs, J. W.
Coondoo, M. C.
Cooper, John.
Coote, Waller.
Crafter, Geo.
D'Osmond, Le Comte O.
Frank, Gretha.
Garrick, D.
Gibbons, E. J.
Gibbons, Rev. B.
Gilbert, Benjn. (Gunner.)
Godlu, Francis.
Gordon, E. F. (P. W. D.)
Gya Singh.
Griffin, W. H.
Harford, J.
Harman, J. M.
Hastings, C. G. W.
Hay, G.
Hughes, Pringle.
Jackson, R. A.
Jackson.
Johnston, Capt.
Kaiser, —.
Kohn, Herrn Jasef M.
Landfield, F.
Meeredy, James McG.
Moolla, Monsieur N. J.
Ottley, Captain J. W.
Owen, H. M.
Pearson, Lewis.
Perks, M. J.
Pratt, William D.
Prendergast, Mrs. C. L.
Phelps, Mrs. C. Harris.
Pogose, John.
Quinlan, Rev. A. W. R.
Rae, William.
Reid, R.
Rishworth, J.
Roe, Lt. R. J.
Roopchand Saddhar.
Sandeman, W. A.
Scanlon, C. A. R.
Sevastopulo, A. E.
Sherman, A.
Simpson, L.
Sinclair, J. L.
Thomas, Miss
Thompson, W.
Usborne, W.
Waddell, Surgeon L. A.
Warde, Mrs.
Whyte, Mrs. M. M. J.
Wilkinson, Mrs. Mary.
Williams, E. J.
Willie.
Wilson, Alex.
Wilson, G. A.

Newspapers.

Bachanan, Beverley.
Griffin, W. H.
Morton, M.
O'Brien, S. H. G.
Usborne, W.

Registered Letters.

Farmer, G. K.
Jelly, S. John.
Jennings, T.
Johnson, T. S.
Lustig, A.
Rosa, Lorenzo.
Scanlan, C. A. R.
Shury, C. T.
Wilson, P. W.

E. C. GEORGE,
Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd " " 1 " "

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا كوئيناڤين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ٬

اور عوام‌الناس بوٹانکل گارڈن یعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقیمت نقد حسب نرخ ذیل خرید کرسکتے هیں یعنے نرخ چار اونس ٹین کا پانچ روپیه آٹهه آنه ; آٹهه اونس کے ٹین کا دس روپیه آٹهه آنه ; ایك پونڈ کے ٹین کا بیس روپیه،

یهه دوا کلکته کے بڑے بڑے ولایتي اور دیسي دواخانونمیں بکتي هی ماسیواے قیمت مذکورۂ بالا کے محصول ڈاك چار اور آٹهه اونس کے ٹین کا آٹهه آنه ; اور ایک پونڈ کے ٹین کا بارہ آنه ،

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	REMARKS.
			Rs.	
Bull's Dredgers .	39	1½ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,
Meteorological Reporter to Government of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 20, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

From the 27th November next till further notice the entire *Gazette of India*, with the Supplement, will be published at Calcutta. After the 20th November, all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance.*

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E. J. DEAN,

Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 12th November 1880.

Mr. Shirley Tremearne having taken charge of his Office on the forenoon of this day, the unexpired portion of the privilege leave granted to him in terms of the Court's Notification dated the 25th of August last, is cancelled at his own request.

By Order,

R. BELCHAMBERS,

Registrar.

NOTICE TO MARINERS.

No. 18 of 1880.

INDIA—WEST COAST.

CALICUT.

Intended Alteration in Light Apparatus.

Notice is hereby given that it is intended to exhibit a 4th order Fixed White Dioptric Light, instead of the light at present exhibited, at Calicut; and that from the 8th of December 1880, and during the time the alteration is being carried out, a temporary light will be shewn from a platform in front of the light-house column.

The platform will be about 25 feet above the level of high water, and the temporary light should be visible in clear weather, in every direction seaward, from a distance of about 9 miles.

Further notice relative to the new light will be given when the change is effected.

By Direction of the Government of India,

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 15th November 1880.

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 64, 747, 2737 and 827. West Coast of Hindostan Pilot, page 85. Light List for 1880.

INDIAN MARINE SURVEY Chart, No. 15*a*. Light list for 1880. Also Taylor's Sailing Directory, Vol. I, page 405.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

COMMISSIONER, INLAND CUSTOMS.

NOTIFICATIONS.

Agra, the 18th September 1880.

No. 1776 *B.*—Mr. W. T. Lyon, Assistant Commissioner, Sambhar, is granted three months' privilege leave.

No. 1776 *B.*—Mr. W. Synnott, Assistant Commissioner, Didwana, is appointed to the Sambhar Assistant Commissionership, during the absence on leave of Mr. W. T. Lyon.

The 27th September 1880.

No. 1846 *B.*—Mr. L. Verrieres, Inspector, is appointed to officiate as Assistant Commissioner at Didwana, during the absence on deputation of Mr. W. Synnott.

The 12th November 1880.

No. 2145 *B.*—Mr. A. R. Shaw, Assistant Commissioner, Punjab Mines, is transferred to Pachbudra.

The 13th November 1880.

Nos. 2155 & 2156 *B.*—Mr. W. C. Howard, Assistant Commissioner, is transferred from Pachbudra to Didwana.

No. 2158 *B.*—Mr. J. Bolster, Inspector, is appointed to the charge of Assistant Commissionership, Punjab Mines, in addition to his own duties, until further orders.

W. S. HALSEY,
Commissioner, Inland Customs.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 15th November 1880.

No. 196.—Captain C. Strahan, R.E., Deputy Superintendent, 3rd Grade, having returned from furlough on the forenoon of the 18th ultimo, is appointed to officiate as Deputy Superintendent, 2nd Grade, with effect from the date of his return.

No. 197.—The following reversion is made with effect from the same date:—

Mr. J. O. N. James, Officiating Deputy Superintendent, 2nd Grade, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

The 16th November 1880.

No. 198.—The subsidiary leave for one month granted in Notification No. 192, dated the 6th ultimo, to Colonel John Macdonald, Deputy Superintendent, 2nd Grade, preparatory to retirement, will take effect from the 13th instant, instead of the 1st instant, as previously notified.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATION.

Port Blair, the 4th November 1880.

No. 9.—With reference to Home, Revenue and Agricultural Department No. 389 of the 22nd October 1880, published in the *Gazette of India* of the 23rd idem, Surgeon W. Owen reported his arrival at Port Blair, on the forenoon of the 3rd instant, and relieved Dr. S. S. Morton of his duties on the forenoon of this day.

T. CADELL, *Lieut.-Col.,*
Offg. Chief Commr. of the Andaman and Nicobar Islands.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Sibi, the 11th November 1880.

No. 13.—Major H. J. Nuthall, Executive Engineer, 1st Grade, whose services were placed temporarily at the disposal of the Agent to the Governor General, for Biluchistan, under Notification of the Public Works Department No. 284, dated 20th August 1880, reported his arrival on the forenoon of 1st October 1880, and was placed on special duty till further orders.

The 12th November 1880.

No. 14.—Mr. G. W. Winckler, Assistant Engineer, 1st Grade, whose services were placed temporarily at the disposal of the Agent, Governor General, for Biluchistan, under Notification No. 225, dated 9th July 1880, was posted to the Biluchistan Division, from the forenoon of 1st July 1880.

No. 15.—Lieutenant Kellie, R.E., Assistant Engineer, 1st Grade, whose services were placed temporarily at the disposal of the Agent, Governor General, for Biluchistan, was posted to the Biluchistan Division, from the forenoon of the 28th July 1880.

T. F. DOWDEN, *Major, R.E.,*
Offg. Secy. to Agent to Govr. Genl. for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER, RAJPUTANA, P. W. D.

NOTIFICATIONS.

Mount Abu, the 26th October 1880.

No. 2808 *S.*—Mr. C. F. Gilbert, Assistant Engineer, 2nd Grade, transferred to the Establishment under this Administration by the Government of India, *vide* Public Works Department Notification, No. 308, dated the 21st September 1880, reported himself at Ajmere on the afternoon of the 19th October 1880, and is posted to the Ajmere Division, which he joined the same day.

The 9th November 1880.

No. 2861 *S.*—In pursuance of the re-organization of the Public Works Divisions in this Province, promulgated in the Local Administration's Public Works Department Resolution No. 261—84 C.-S., dated the 31st January 1880, the two Divisions of Nasirabad and Abú and Deesa were amalgamated into one Division, designated the Military Works and Roads Division, on the afternoon of the 2nd October 1880, on which date Mr. D. Joscelyne, Executive Engineer, 4th Grade, made over, and Major H. Y. Murray, Executive Engineer, 1st Grade, received over, the charge of the Nasirabad Division.

Major H. Y. Murray, Executive Engineer, 1st Grade, is appointed to the charge of the new Division.

No. 2867 *S.*—Mr. E. Foy, Assistant Engineer, 2nd Grade, attached to the Military Works and Roads Division, Rajputana, has passed the colloquial examination in Hindustani, prescribed in paragraph 20 of the Public Works Code, 4th Edition, Chapter II, Section i.

No. 2892 *S.*—With reference to Notification No. 2688 S., dated 24th September 1880, Mr. D. Joscelyne, Executive Engineer, 4th Grade, reported his arrival at Pali, and took over charge of the special Survey Division, on the forenoon of the 13th October 1880.

The 12th November 1880.

No. 2934 *S.*—With reference to the Government of India, Public Works Department, Notifications Nos. 328 and 329 of 12th October 1880, posting the under-mentioned Assistant Engineers to Rajputana, the Agent, Governor General, and Chief Commissioner is pleased to attach them to the following Divisions:—

Mr. F. St. G. M. Smith, Assistant Engineer, 2nd Grade, to the Special Survey Division at Pallee.

Mr. H. J. A. Bowden, Assistant Engineer, 2nd Grade, to the Mayo College Division at Ajmere.

No. 2952 *S.*—The following promotions are made in the Upper Subordinate Establishment attached to Rajputana, with effect from 1st September 1880:—

Names.	From	To	REMARKS.
Adams, Sergeant J., R.E.	Overseer, 1st Grade.	Supervisor, 2nd Grade.	Permanent.
Abdool Majeed	Overseer, 3rd Grade.	Overseer, 2nd Grade.	

By Order,
J. P. STEEL, *Major, R.E.,*
Secy. to Agent, Governor General, and Chief Commr., Rajputana, P. W. D.

AGENT, GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 10th November 1880.

No. 1510 *G.*—Captain A. C. Talbot, 1st Assistant Agent to the Governor General, Rajputana, held charge of the current duties of the Office of Agent to the Governor General, Rajputana, and Chief Commissioner of Ajmere, in addition to his own duties, from the 3rd October to 3rd November 1880, both days inclusive, during the absence of Lieutenant-Colonel E. R. C. Bradford, C.S.I., on duty at Simla.

E. R. C. BRADFORD,
Agent to the Governor General.

No. 1513 *G.*—LEAVE.—Lieutenant J. A. Bell, Adjutant, Merwara Battalion, returned from the privilege leave granted to him in this Office Notification No. 1224 G., dated 18th September 1880, (published in the *Rajputana Official Gazette* of the 25th September 1880), on the forenoon of the 31st October 1880.

The 13th November 1880.

No. 1538 *G.*—With reference to Foreign Department Notification No. 1867 G.-G., dated 24th September 1880, Lieutenant-Colonel W. Tweedie assumed charge of his duties as Officiating Political Agent, Western Rajputana States, and Commandant, Erinpura Irregular Force, from Major A. R. T. McRae, on the afternoon of the 1st November 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 11th November 1880.

No. 74.—Captain G. T. Maitland, S.C., Executive Engineer, 2nd Grade, is transferred from the Rawalpindi Command, Military Works, to the Presidency and Oudh Command, Military Works.

No. 75.—With reference to Public Works Department No. 1822—50 G., dated 21st October 1880, Lieutenant A. C. Bruce, R.E., Executive Engineer, 4th Grade (temporary rank), was granted privilege leave from 26th May to 23rd July 1880.

The 12th November 1880.

No. 76.—With reference to Inspector General's Notification No. 59, dated 14th October 1880, Captain W. G. Nicholson, R.E., Executive Engineer, rejoined the Military Works Branch on the 4th October 1880.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Presidency & Oudh Command.

Lucknow, the 11th November 1880.

No. 16.—Lieutenant A. H. Kenney, R.E., Assistant Engineer, attached to the Fort William Division, Military Works, has been granted special leave on his return from field service, for a period of one month. Lieutenant Kenney availed himself of the leave from the 8th ultimo.

W. R. TUCKER, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Presidency & Oudh Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 9th November 1880.

No. 2557.—Captain G. T. Maitland, S.C., Executive Engineer, Sialkot Division, Military Works, reported return on the afternoon of the 5th November 1880, from the one month's privilege leave granted per this Office Notification No. 2216, dated the 11th October 1880.

THOMAS C. MANDERSON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

Sirhind & Lahore Command.

The 13th November 1880.

No. 83.—Lieutenant W. T. Shone, R.E., Temporary Executive Engineer, 4th Grade, is granted fifty days' privilege leave, of which he availed himself on the afternoon of the 24th October 1880.

No. 84.—Lieutenant A. C. Bruce, R.E., Temporary Executive Engineer, 4th Grade, reported his arrival at Umballa on the forenoon of 1st instant.

No. 85.—Mr. J. E. Hilton, Executive Engineer, made over, and Captain G. Hildebrand, R.E., Executive Engineer, received, charge of the Umballa Division, Military Works, on the afternoon of the 29th October 1880.

The 15th November 1880.

No. 86.—Captain M. A. Alves, R.E., Executive Engineer, transferred to Lahore and Sirhind Command, Military Works, on return from field service, reported his arrival at Mian Mir on the forenoon of the 5th November 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 9th November 1880.

No. 156.—The under-mentioned Officers are transferred to the Upper Section of the Kandahar State Railway :—

Mr. W. Chadwick, Assistant Engineer, 2nd Grade,—from the Indus Valley State Railway.

Mr. P. H. Cresswell, Assistant Engineer, 2nd Grade,—from the Indus Valley State Railway.

Mr. J. R. Wood, Assistant Engineer, 2nd Grade,—from the Indus Valley State Railway.

Baboo Labdha Ram Sahin, Assistant Engineer, 3rd Grade,—from the Punjab Northern State Railway, Open Line.

No. 157.—Mr. F. K. Cunliffe, Store-keeper, 1st Grade, Indus Valley State Railway, is granted furlough for one year, with effect from the date he is relieved by Mr. T. Wood, Store-keeper, 1st Grade, who has been placed at the disposal of the Consulting Engineer for Guaranteed Railways, Lahore, to act as Store-keeper, Indus Valley State Railway, during Mr. Cunliffe's absence, or until further orders.

No. 158.—Mr. T. Wood, Port Store-keeper, Bombay, on furlough, is placed at the disposal of the Consulting Engineer for Guaranteed Railways, Lahore.

No. 159.—Major J. B. Sparks, S.C., Executive Engineer, 2nd Grade, returned to duty at Mooltan on the afternoon of the 30th October 1880, and is transferred to the Upper Section of the Kandahar State Railway, for special duty.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATION.

Nimach, the 10th November 1880.

No. 34.—Mr. T. Michell, Assistant Engineer, 1st Grade, attached to the 1st Division of this line, is granted one month's privilege leave from the 15th November 1880, or from such subsequent date as he may avail himself of the same.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Pindi Junction to Peshawar Section.

NOTIFICATION.

Rawalpindi, the 13th November 1880.

No. 41.—Mr. T. Anderson, Store-keeper, 2nd Grade, is granted three months' privilege leave, with effect from 10th December 1880, or such subsequent date as he may avail himself of it.

F. L. O'CALLAGHAN,
Engineer in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Pindi-Kohat Section.

NOTIFICATION.

Rawalpindi, the 9th November 1880.

No. 11.—With reference to Director General of Railways' Notification No. 154, dated 4th instant, Mr. T. E. Curry, Assistant Engineer, 1st Grade, was relieved of his duties on this Section, on the forenoon of the 26th October 1880.

T. GRACEY, *Capt., R.E.,*
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATIONS.

Agra, the 11th November 1880.

No. 25.—With reference to Director General of Railways' Notification No. 136, dated 8th October 1880, Mr. Campbell Thomson, Executive Engineer, 3rd Grade, reported his arrival at Agra on the forenoon of the 4th November 1880, and took over charge of the Agra Division of the Rajputana State Railway, from Mr. J. E. P. Lincké, Executive Engineer, 4th Grade, on the afternoon of the same day.

No. 26.—Mr. J. E. P. Lincké, Executive Engineer, 4th Grade, availed himself, on the morning of the 8th November 1880, of the privilege leave granted in Manager's Notification No. 23 of the 2nd November 1880.

The 17th November 1880.

No. 27.—Mr. J. R. Tickell, Assistant Engineer, 2nd Grade, reported his return to duty on the forenoon of the 6th November 1880, from the three months' language leave granted to him in Manager's Notification No. 17, dated 1st September 1880.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

TREASURE TROVE.

In accordance with the provisions of Section 5 of Act VI of 1878, notice is hereby given to all whom it may concern that, on the 4th March 1880, certain treasure (old copper coin to the value of Rs. 12-14) was found near the house of one Isram wd. Dasrya Mahar, in an open ground belonging to him, in the village of Pimpalgaon Bk. Taluka Pachora, of the Khandesh District, in the Bombay Presidency.

All persons claiming the treasure in whole or in part, are hereby required to appear personally, or by agent, before the Collector of Khandesh, on the 21st March 1881, at his camp, when he will proceed to hold an inquiry according to law.

W. A. EAST,
Acting Collector of Khandesh.

The DHULIA, *November 1880.*

Report of a Deserter from the 68th Regiment of Light Infantry, dated at Meean Meer, this 13th day of November 1880.

Name,—Edgar Rich.	Place of Enlistment,—Wisbeach, St. Peters.
Age,—31 years 5 months.	Parish where Born,—Wells.
Size,—5 feet 7½ inches.	County,—Norfolk.
Color of— Complexion, florid; Hair, brown; Eyes, hazel.	Former Trade or Occupation,—Painter.
Peculiar Marks by which his identity may be ascertained,—Scar of wound on right leg; large mole on the neck.	Dress at the time of Desertion,— Coat or Jacket,— Waistcoat,— ... Breeches or Trowsers— ... } White clothing Regimentals
Date of Desertion,—8th November 1880.	
From whence Deserted,—Meean Meer.	
Date of Enlistment,—13th November 1871.	REMARKS, stating any particular circumstances attending his Desertion,—None.

A. TUCKER, *Lt.-Col., Comdg. 68th Light Infy.*

Statement of the Affairs of the Bank of Bengal for the week ending 16th November 1880.

LIABILITIES.		Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,89,209	0	0
	Rs. A. P.			
Public Deposits at Head Office	1,05,41,954 12 3	2,28,20,563	12	7
Public Deposits at Branches	1,22,78,609 0 4			
Other Deposits at Head Office and Branches		4,32,13,262	11	0
Bank Post Bills, &c.		3,43,134	13	1
Sundries		12,99,082	6	5
RUPEES		8,99,65,252	11	1

ASSETS.		Rs.	A.	P.
Government Securities		1,39,01,166	8	0
Loans on Government Securities, &c., at Head Office and Branches		60,22,448	4	3
Accounts of Credit on Government Securities, &c., at Head Office and Branches		40,09,705	3	3
Bills discounted and purchased at Head Office and Branches		1,29,88,718	9	5
Balances with other Banks		3,62,982	9	7
Bullion		49,859	15	10
Dead Stock		10,72,613	6	4
Stamps		7,755	2	0
Sundries		3,70,186	15	0
		3,87,85,436	9	8
	Rs. A. P.			
Cash and Currency Notes at Head Office	2,87,87,410 7 0	5,11,79,816	1	5
Cash and Currency Notes at Branches	2,23,92,405 10 5			
RUPEES		8,99,65,252	11	1

By order of the Directors,

BANK OF BENGAL, *Calcutta, 12th November 1880.*

J. GORDON, *Chief Acctt. & Depy. Secretary.*

R. HARDIE, *Secretary & Treasurer.*

MAPS OF THE SURVEY OF INDIA,

Published at the Offices of the Surveyor General of India, Calcutta and Dehra Dún, for the Quarter ending 30th September 1880.

Agents :

Calcutta,—Messrs. Thacker, Spink & Co.
Allahabad,—Curator, Government Books, North-Western Provinces.
Nagpore,—Curator, Government Books, Central Provinces.
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Rajkot,—Mr. Narainjee Sunderjee, for maps of Kattywar only.
Ahmedabad,—The Huzoor Deputy Collector, for maps of Guzerat only.
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N. B.—Maps are issued *free of charge* only on the Public Service. (It is particularly requested that the nearest local Agents as above be first applied to, for any map required on the Public Service, before indenting on this Department.) The *cost of packing and postage of parcels must be borne by applicants themselves.* Lists of all newly published maps are periodically notified in the Gazettes of India and of local Governments.

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Scale 1 Inch = 64 Miles.			
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Sirsa, Index to the 1 Inch Sheets of—	½ Sheet D. E.	0 4	0 4
Scale 1 Inch = 1 Mile.			
Maldah District, Sheets Nos. 4 and 7	Double Royal	1 8	1 12
Midnapore District, Sheets Nos. 1, 2, 3, 4, 7, 9, 10 and 12	Double Elephant	1 8	1 12
Sirsa District, Sheets Nos. 3 to 16	Ditto	1 8	1 12
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" " 7, " 4	Ditto	1 8	1 12
" " 27, " 1, 2, 3 and 4	Ditto	1 12	2 0

* For copies printed on cloth.
Ditto on paper, Rs. 3-8 and 1-12 each.
† Published and available at the Surveyor General's Office, Dehra Dún.

By Order,
JOHN O. N. JAMES,
Assistant Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Calcutta, the 26th October 1880.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th October 1880.

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1863.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Transfer Loan of 1879, seven Shillings Sterling per cent. Portion.	5 per cent. Debenture for 15 years, Re-payable June 1882.	5 per cent. Loan of 1866-67.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 30th September 1880	54,100	38,506	3,413	15,30,240	30,53,100	2,37,42,400	1,10,74,300	1,78,12,600	3,04,55,000	45,87,000	4,49,000	92,33,300	8,36,82,700	1,01,700	34,35,000	65,800	71,300	18,93,86,459
Add—																		
Amount enfaced at Madras between 1st and 15th October 1880	...	...	...	...	...	...	...	...	...	...	...	...	1,00,000	...	...	...	...	1,00,000
Amount enfaced at Bombay between 1st and 15th October 1880	...	...	...	...	...	...	1,000	72,000	14,500	500	3,000	65,000	8,36,500	...	3,000	...	...	4,000
Amount enfaced at Calcutta between 1st and 15th October 1880	...	...	...	...	3,000	68,700	80,300	1,00,000	500	10,000	...	53,500	78,800	...	3,000	...	...	3,87,700
	54,100	38,506	3,413	15,30,240	30,53,100	2,38,29,100	11,54,600	1,78,34,600	3,04,65,000	45,90,500	4,49,000	92,86,800	8,38,01,500	1,01,700	34,39,000	65,800	71,300	18,98,73,159
Deduct—																		
Amount written off in the London Registers	...	...	...	...	...	60,100	50,000	4,000	14,500	500	...	65,000	8,36,500	...	3,000	...	...	10,33,600
Balance on 15th October 1880	54,100	38,506	3,413	15,30,240	30,53,100	2,37,69,000	1,11,04,600	1,78,30,600	3,04,50,500	45,90,000	4,49,000	92,21,800	8,30,25,000	1,01,700	34,36,000	65,800	71,300	18,88,44,559

NOTE.—From 9th June 1867 to 15th Aug. 1880, enfaced from India, 3,925 lakhs; re-transferred from London, 3,340 lakhs.

" 16th Aug. 1880 to 31st "	" "	25 "
" 1st Sept. " to 15th Sept.	" "	23 "
" 16th " " to 30th "	" "	19 "
" 1st Oct. " to 15th Oct.	" "	10 "
		3,417 lakhs.
		3,566 lakhs.
		3,417 "
Balance against London		139 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 13th November 1880.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, Department received in the Office of the Accountant General, Public Works Department, up to the 8th November 1880.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.			
1	Assam ...	Aug. 1880	Oct. 9, 1880
2	Coorg ...	Do.	Do. 14, "
3	North-Western Provinces and Oudh.	Do.	Do. 21, "
5	Military Works ...	Do.	Do. 22, "
6	Punjab ...	Do.	Do. 23, "
	British Burmah ...	Do.	
	Quetta Agency ...		
	Central Provinces ...		
8	Hyderabad (Imperial) ...	Do.	Do. 25, "
	Central India ...		
	Hyderabad (Assigned Districts.)		
12	Mysore ...	Do.	Do. 27, "
13	Port Blair ...	Do.	Do. 27, "
14	Madras ...	Do.	Do. 28, "
15	Bengal ...	Do.	Do. 5, Nov.
16	Bombay ...	Do.	Do. 6, "
17	Rajputana ...	July	Sept. 23, "
TELEGRAPH.			
1	Indo-European ...	July 1880	Oct. 2, 1880
2	Indian ...	Do. "	Do. 4, "
IRRIGATION.			
1	Assam ...	Aug. 1880	Oct. 9, 1880
2	Rajputana ...	Do.	Do. 11, "
3	British Burmah ...	Do.	Do. 16, "
4	Punjab ...	Do.	Do. 22, "
5	North-Western Provinces and Oudh.	Do.	Do. 27, "
6	Madras ...	Do.	Do. 29, "
7	Bengal ...	Do.	Nov. 1, "
8	Bombay ...	Do.	Do. 3, "
GUARANTEED RAILWAYS.			
1	Punjab ...	Aug. 1880	Oct. 25, "
2	North-Western Provinces and Oudh.	Do.	Do.
3	Madras ...	Do.	Do. 29, "
4	Bengal ...	Do.	Nov. 5, "
5	Bombay ...	Do.	Do. 6, "
STATE RAILWAYS (CAPITAL).			
1	Umballa and Kalka ...	Aug. 1880	Oct. 6, 1880
2	Bangoon and Irrawaddy Valley.	Do.	Do. 8, "
3	Northern Bengal ...	Do.	Do. 12, "
4	Indus Valley ...	Do.	Do. 13, "
5	Calcutta & South-Eastern ...	Do.	
	Muttra-Hathras ...		
	Ghazipur-Dodhamazar ...		
6	Cawnpore-Farukhabad ...	Do.	Do. 20, "
	Achnera-Muttra ...		
	N.-W. P. and Oudh Light Railway Surveys.		
	Bareilly-Pilibhit State Railway Survey.		
12	Branch.	Do.	Do. 22, "
	Lala Moosa to Chak Nizam.		
	Punjab Northern ...		
14	Bhopal ...	Do.	Do. 23, "
	Kandahar (Jacobabad Section.)		
	Sindia ...		
17	Nagpur-Chhattisgarh ...		
	Dhond and Manmad ...	Do.	Do. 25, "
	Bombay (Eastern Section)		
21	Holkar ...		
	Kandahar (Harnai Section)	Do.	Do. 26, "
23	Mysore ...	Do.	Do. 27, "
24	Indore-Nasirabad ...	Do.	Do. 28, "
	Bhowanagar and Dhandhuka ...	Do.	Do. 29, "
26	Western Rajputana (Northern Section).	Do.	
27	Rajputana ...	Do.	Do. 30, "
28	Nalhati ...	Do.	Nov. 1, "
29	Tirhoot ...	Do.	Do. 3, "
	Patna and Gya ...		
31	Western Rajputana (Southern Section).	Do.	Do. 4, "
33	Bilary and Karwer ...		
	Wardah Coal ...	July	Sep. 10, "
STATE RAILWAYS (REVENUE).			
1	Rangoon and Irrawaddy Valley.	Aug. 1880	Oct. 8, 1880
2	Northern Bengal ...	Do.	Do. 12, "
3	Dhond & Manmad ...	Do.	Do. 20, "
5	Muttra-Hathras ...	Do.	Do. 23, "
	Calcutta & South-Eastern ...		
	Wardah Coal ...		
6	Nagpur-Chhattisgarh ...	Do.	Do. 25, "
	Punjab Northern ...		
9	Hilkar & Sindia-Nimach ...	Do.	Do. 26, "
	Nalhati ...		
10	Rajputana ...	Do.	Do. 30, "
	Sindia ...		
	Indus Valley ...		
14	Western Rajputana ...	Do.	Nov. 1, "
15	Tirhoot ...	Do.	Do. 3, "
	Patna and Gya ...		

A. J. FILGATE, *Major, R.E.,*
Offg. Accountant General, P. W. Dept.

SIMLA,
The 8th November 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on General Treasury.	Certificates issued on Currency Department.	Balance of Bullion Under Assay.	Balance of Bullion Assayed.	Balance of Bullion Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nov. 8	...	...	...	...	21,37,638	9,34,675
" 9	3,12,164	...	...	3,12,164	21,39,236	9,34,675
" 10	Holidays.					
" 11						
" 12	...	...	...	3,12,164	20,34,605	9,34,675
" 13	...	...	...	3,12,164	20,34,605	9,34,675

CALCUTTA MINT,
The 15th Nov. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 18th Nov. 1880 ... Rs. 61,34,699-13-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 19th November 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
213	... D 8—35487 ...	500	The District Superintendent of Police, Purneah.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
164	... D 16—25165 ...	10	Pundit Ratan Lall, Agra.

ALLAHABAD,
The 17th November 1880.

W. T. PIERCY, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
1880.			
H155	... M 41—35124 ...	10	Bhugwandas Baloobhoy, Sidhpur.
H156	... M 48—10552 ...	10	Dewji Doyal, Bombay.
H157	... C 78—33838 ...	20	Jooseph Salay Mahomed, Bombay.
H158	... M 43—65458	100	Syed Jelaludin, Madras.
	" —71188		
M67	... C 84—78314	20	Bapooji Framji, Bombay.
	" —78315		

BOMBAY,
The 16th November 1880.

C. E. CRAWLEY,
Offg. Asst. Commissioner,
in charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
256	... O 71—06548 ...	500	Babu Ramgopal Bornic.
	O 69—55206 to " —55211	100 each.	
	" —27537		
	" —27548 to " —27555		
	O 32—07203 to " —07218	50 each	
	" —05221 ...	50	
	" —05222 ...	50	
	" —05223 ...	50	
	" —04126 ...	50	
257	... O 69—50277 ...	100	Mr. Gnamaioung.
	O 68—65542 ...	100	
	" —48333 ...	100	
	O 66—57336 ...	100	
260	... O 62—34264 ...	20	Mrs. C. Wise.
262	... O 69—35480 ...	100	Babu Radhamadhub Sing.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
179	... L 22—63755	5	Babu Jodu Nath Ghose.
	" —63756		
180	... L 2—48919	10	Hursa Mull Gobordhun Das.
	" —48916		
181	... O 62—06612	20	Babu Kashi Nath Banerjee.
	" —06615		
182	... L 14—03359	20	Babu Wooma Churn Das.
	" —05129		
183	... O 37—84230	5	The Chief Pay Master, E. I. Railway, Calcutta.
	" —84232		
184	... O 43—23206	10	Girdhari Lal Chowbay.
	" —64164		
	L 22—16187	5	
	L 24—61924		
185	... O 42—57606	10	Babu Gopal Chunder Dey.
	" —57607		
	L 24—41331	5	
	" —41330		
265	... A 52—51358 ...	20	Messrs. Hajee Ahmed and Company.
	L 9—14750 ...	5	
266	... O 46—02154 ...	10	Babu Srinath Kundoo.
267	... O 83—57836 ...	10	Babu Narayan Prosad Dutta.
268	... O 49—04454 ...	10	Lt. A. J. Preston.
	" —34423 ...	10	
269	... L 69—31566 ...	100	Babu Raghunath Sahai.
270	... L 40—33754 ...	10	Major F. S. Terry.
271	... O 68—18128 ...	100	The Offg. Collector of Champarun.
	O 31—73610 ...	50	
272	... O 47—82748 ...	10	The Agent, Indian Agency, Calcutta.
273	... O 24—42854 ...	20	Pundit Suriya Narayan.
274	... O 1—84373 ...	10.	Mr. A. Rustomjee Moonsi.

CALCUTTA,
The 19th November 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
96	... E 15—79651 ...	50	Mota Sing and Mitha Banga, of Hoti Mardan, now at Lahore.
	E 13—98337 ...	100	
	" —98338 ...	100	
	" —98339 ...	100	
	E 2—50443 ...	500	
	" —50444 ...	500	
97	... E 15—48610 ...	50	The Post Master General, Punjab.
	E 13—55969 ...	100	
	" —55970 ...	100	
98	... E 15—45965 ...	50	Ahmed Bux, Teacher, Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
162	... E 13—68008 ...	100	Ramsahai Mal, care of Lala Goorsahai Mull, Lahore.
	" —65912 ...	100	
35	... E 8—11898	5	Messrs. W. H. Fitze & Co., Calcutta.
	" —11896		

LAHORE,
The 12th November 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Nagpur Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880-81.		Rs.	
H14	... F 8—71442 ...	20	Dulichund Deoria, of Jubbulpore.
H16	... F 7—75857 ...	10	Mr. John A. Brown, Comptroller's Office, C.P.

NAGPUR,
The 11th November 1880.

GODREZJEE D. PUDUMJEE,
Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 19th November 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	27th Nov.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	22nd „	Str. *Madura.*
Madras and Ceylon	6 „	22nd „	P. and O. Str. *Deccan.*
Foreign Mails *viâ* Bombay	6 „	24th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	23rd „	From Bombay.
Rangoon, Moulmein and Straits	6 „	25th „	Str. *Mecca.*
Chittagong, Akyab, and Rangoon	6 „	26th „	Str. *Bushcer.*
Persian Gulf	6 „	26th „	From Bombay.
Port Blair and Camorta	6 „	26th „	Str. *Satara.*

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 19th November 1880.

Amoy, C. D.
Anderson, W. P.
Bachelor, David.
Barnett, W.
Batel, W.
Bean, W. D.
Bepin Behary Mukerjee.
Boyd, R. G.
Brandt, Monsieur J. Tauri.
Cadwallader, W. G.
Caston, H. P.
Christianna, Miss.
Cleardon, E. G.
Cohen, M. E.
Cohn, W.
Collins, T.
Cook, H. G.
Dass, R.
Denison, —.
Duncan, James.
Davies, Mrs. H. H., care of Joy Kissen Chaud.
D'Arcy, Miss (S. S. *Chyebassa*).
Entwistle, Mrs.
Evans, H. G.
Farguharson, Mrs.
Foster, G.
Fleming, G. W.
Franklin, —.
Gibb, H.
Glazebrooke, H. K.
Gomes, A.
Gondell, C.
Hayter, Major C.
Hays, W.
Heegan, R. M.
Henry, E.
Hickman, J.
Ivey, W.
Jackson, C. J.
Jelly, Stephen J.
Jennings, T.
Jenkins, C. J. D.
Jones, A.
Kay, T. W.
Kemp, J. W.
King, F.
Kuppel, G.
Lepper, F.
Leeson, Mrs.
Malet, Mrs. M.
Martin, W.
Meyer, E.
Molloy, W. M.
Montgomerry, Mrs. L.
Morgan, W. F.
Paul, E.
Ray, T. W.
Rodan, A.
Ryves, G. F. C.
Serrell, A. C.
Shaw, A.
Smith, W. F.
Smith, A. W.
Stephens, W.
Steven, C. F.
Stewart, S.
Strada, R.
Strada, Mrs. Veronica.
Taylor, G. N.
Waugh, John.
Webb, E.
Wobber, Dr.
White, Miss.
Wigram, Lieut. A. R.
Williams, J. O.
White, G. G.
Wilson, F.
White, J.
Woodward, F.

Letters marked "Care of Post Office, to be kept till called for."

Amey, Mrs. A. W.
Ancell, Frederick.
Antonietto, Monsieur Verginio.
Ashton, Captain Sam.
Baily, Harris.
Balzer, Mrs. Rosina.
Barnes, W.
Bell, W. & Co. (Milliner).
Berubeim, Monsieur.
Bing, Monsieur S.
Blackton, T. W.
Bryne, Joseph.
Byron, E. C. A.
Calfer, Monsieur L.
C. W. S.
Canham, John.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coombs, J. W.
Coombe, M. C.
Coote, Waller.
Cratter, Geo.
D'Osmond, Le Comte O.
Duzovity, Cleanenes.
Dykes, L. P. E.
Frank, Gretha.
Garrick, D.
Gibbons, E. J.
Gibbons, Rev. B.
Gilbert, Benjn. (Gunner.)
Godfu, Francis.
Gordon, E. F. (P. W. D.)
Gya Singh.
Griffin, W. H.
Harford, J.
Hastings, C. G. W.
Hay, G.
Hickling, Miss.
Hughes, Pringle.
Jackson, R. A.
Jackson.
Kalser, —.
Kohn, Herru Jasef M.
Landfield, F.
Mackinon, T. A. B.
Manwell, George P.
Meeredy, James McG.
Moolia, Monsieur N. J.
Moore, R. C.
M. K. W.
Ottley, Captain J. W.
Pearson, Lewie.
Perks, M. J.
Pratt, William D.
Prada, Demetrio.
Prendergast, Mrs. C. L.
Phelps, Mrs. C. Harris.
Pogose, John.
Quinlan, Rev. A. W. R.
Rae, William.
Reid, R.
Rishworth, J.
Roe, Lt. R. J.
Roopchand Saddhar.
Ryder, H.
Sandeman, W. A.
Scanlon, C. A. R.
Schore, T. C.
Sherman, A.
Simpson, L.
Sinclair, J. L.
Slade, J.
Thomas, Miss
Thompson, W.
Van Lack, Mrs.
Wannell, Surgeon L. A.
Warde, Mrs.
Will, Peter D.
Wilkinson, Mrs. Mary.
Williams, L. J.
Willie.
Wilson, Alex.
Wilson, G. A.
Young, Mrs. J.

Newspapers.

Bachanan, Beverley.
Bepin Behary Mookerjee.
Brooks, F. G.
Byron, E. C. A.
Cameron, Keith R.
Cavanagh, J.
D'Osmond, Le Comte.
Edward, George.
Fitzsimmons, John.
Griffin, W. H.
Miller, Captain William.
Molla, Monsieur N. J.
Morton, M.
O'Brien, S. H. G.
Prada, Demetrio.
Sale, M.
Tobin, John.
Usborne, W.
Wilson, J. H.

Registered Letters.

Farmer, G. K.
Hocter, Mrs. Bertha.
Jelly, S. John.
Jennings, T.
Marchant, Miss M. R.
Rosa, Lorenzo.
Scanlan, C. A. R.
Shury, C. T.
Wilson, P. W.

E. C. GEORGE,
Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه ٬

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى عاسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه ٬

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	REMARKS.
			Rs.	
Bull's Dredgers	39	1½ cubic feet	40	These have been used, but are in good condition.
Ditto	113	2½ ditto	65	
Ditto	9	6 ditto	120	
Ditto	50	1½ ditto	75	These have never been used.
Ditto	22	2½ ditto	105	

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Map of Bengal, 1873. *Price, if taken with the Report, Re. 1; separately, price, Rs. 2; postage, 2 annas.*

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☞ *The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.*

A Manual of Tibetan, being a Guide to the Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. *Price, Rs. 6; postage, 3 annas.*

Copies are to be had at the Office of the Director of Public Instruction.

Publications for Sale at the Bengal Secretariat Press.

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The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, Rs. 2; with map, Rs. 3-4.*

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Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, Rs. 2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, Rs. 10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, Rs. 3; postage, 4 annas.*

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Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Just published, pp. XXXV + 253.

A Digest of the Law of Landlord and Tenant in the provinces subject to the Lieutenant-Governor of Bengal. By C. D. Field, M.A., LL.D., of the Inner Temple, Barrister-at-Law; and of Her Majesty's Bengal Civil Service; District and Sessions Judge of Burdwan; Member of the Rent Commission.

A limited number of copies is available to the public at the Bengal Secretariat Press. *Price, Rs. 5 per copy.* Orders accompanied by remittances, and 5 annas for packing and postage of each copy, may be sent to the Accountant, Bengal Secretariat.

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The Quarterly Civil List for Bengal, corrected up to the 1st October 1880. *Price, Rs. 3; postage, 4 annas.*

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Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, Rs. 3; postage, 3 annas.*

Descriptive Ethnology of Bengal. By EDWARD TUITE DALTON, C.S.I., Colonel, Bengal Staff Corps; Commissioner of Chutia Nagpur; Member of the Asiatic Society of Bengal, &c. *Illustrated by Lithograph Portraits copied from Photographs.* Printed for the Government of Bengal, under the direction of the Council of the Asiatic Society of Bengal.

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Abstract of the Rules of the Road at Sea. *Price, Re. 1-4; packing and postage, 1 anna.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 27, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

From the 27th November next till further notice the entire *Gazette of India*, with the Supplement, will be published at Calcutta. After the 20th November, all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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E. J. DEAN,

Publisher, Gazette of India.

ADMINISTRATOR GENERAL'S OFFICE.

NOTICE.—The under-mentioned Estates having come under charge of this Office, all persons having claims upon, being indebted to, or holding property belonging to the said Estates, are requested to place themselves in immediate communication with the undersigned:—

Gordon Robb, of No. 17, Old Court House Street, in the Town of Calcutta, a Member of the Firm of Messrs. Bathgate & Co., Calcutta, Chemists and Druggists, at Calcutta, on the 25th December 1879.

James Forbes, Superintendent of the Government Gun Cap Factory at Dum-Dum, at Dum-Dum, on the 7th February 1879.

James Drummond Buller Elphinstone, of Chesham Place, Belgrave Square, in the County of Middlesex, in England, a Colonel in Her Majesty's Army, in England, on the 8th March 1857.

Johann Frederick Fasting, of Rangati Tea Garden, in the District of Julpigoree, a Tea Planter, at Rangati Tea Estate, on the 20th June 1880.

Oswald Bell Wood, of the Bengal Police, and a Local Lieutenant, in the Transport Department at Thull, at Thull, on the 2nd May 1880.

John Boyd, of Mullagool Tea Garden, in the District of Sylhet, a Tea Planter, at Mullagool Tea Garden, on the 7th October 1879.

Elizabeth Fraser, wife of Sergeant S. Fraser, Supervisor, Public Works Department, at Saidpur, on the 5th March 1880.

Blanche Anderson, of Lucknow, widow, at Lucknow, on the 5th March 1878.

Grace Verboon, of No. 15, Dhobypara Street, in the Town of Calcutta, Spinster, at Calcutta, on the 30th July 1880.

Adam Elijah Clarke, a Veterinary Surgeon in the Royal Horse Artillery, at Murree, on the 13th October 1879.

Thomas Thornville Cooper, Officiating Political Agent at Bhamo, at Bhamo, on the 24th April 1878.

Robert Leggett Thompson, of Allahabad, in the North-Western Provinces of India, a British subject, at Allahabad, on the 8th June 1880.

Henry Alfred Chatham Gray, a Surgeon in the Indian Medical Department, at Peshawur, on the 3rd July 1879.

George Burd Reddie, of No. 10, Somerset Place, in the City of Bath, in the County of Somerset, a retired Major-General of Her Majesty's Indian Army, in England, on the 17th March 1880.

A. Mayes, a Driver, in the service of the East Indian Railway Company, in the Locomotive Department, Allahabad, in Australia, on the 30th August 1879.

Peter Henry Holmes, of Calcutta, a Merchant, at ——, on the 11th August 1853.

Samuel Frederick Rice, of No. 2, Privy Road, Kilburn, in the Parish of Hampstead, in the County of Middlesex in England, in England, on the 18th January 1867.

Charles Grant, a Tea Planter and Managing Proprietor of the Bannockburn Tea Estate' Darjeeling, at Calcutta, on the 29th July 1880.

Antonio Serville, of Akyab, in British Burmah, an Italian, at Akyab, on the 12th January 1880.

Henry James Barr, a Captain in the Bengal Staff Corps, at Morar, Gwalior, on the 8th 1880.

William Henry Smith, of No. 8, Cork Street, Burlington Gardens, in the County of Middlesex, Bengal Civil Service, at Paris, on the 1st June 1879.

George Rae, of the Survey Department, at Shillong, on the 2nd February 1880.

In the following Estates certificates have been granted by the Administrator General under Section 36 of Act II of 1874, and all persons having claims against the said Estates should communicate with the persons to whom certificates have been granted :—

William Arratoon Agacy, an Apprentice Boilermaker in the East Indian Railway Workshops at Jamalpore, died at Jamalpore, on the 28th July 1879, to Susan Charlotte Gomez, mother of the deceased.

Frances Richards Love, of Dinapore, in the Province of Behar, at Dinapore, on the 2nd August 1880, to Marian Elizabeth Stirling, Executrix of the deceased's will.

William Stacey, of Calcutta, at Calcutta, on the 20th October 1847, to Sarah Rose Johnson, daughter of the deceased.

F. CLARKE,
Offg. Administrator Genl.

HIGH COURT, CALCUTTA,
The 6th November 1880.

NOTICE TO MARINERS.

No. 19 of 1880.

RED SEA—GULF OF SUEZ.

Suez Bay—Lights at Port Ibrahim.

With reference to Notice to Mariners, No. 9, issued from this Department on 7th August 1880, the Controller General of Egyptian Light-houses at Alexandria points out that the information therein contained—which was reprinted from the Notice to Mariners, No. 111, issued by the British Hydrographic Office on 5th July 1880—is inexact in some particulars. The following revised information is therefore published :—

1. Two floating light-buoys painted black are placed 897 yards seaward of the entrance of the harbour, from which lights may be exhibited on application at the Port Office —*red* on the northern side of the channel; *green* on the southern side.

2. A fixed *red* light is shown from the extremity of the north mole head; a fixed *green* light, from the extremity of the south mole head.

3. A fixed *white* light is shown from the extreme (western) end of the inner pier of the harbour.

NOTE.—The foregoing green and red lights mark the channel into the port.

Entering Port Ibrahim—the *red* lights are left on the port hand, the *green* lights on the starboard hand, the vessel being steered for the white light on the inner pier.

Buoyage.

Also, that a buoy has been placed on each side of the channel to Port Ibrahim, 568 yards from the mole heads—the northern buoy in a line with the red lights, the southern buoy in a line with the green lights.

A. DUNDAS TAYLOR, *Comdr. (late I.N.),*
Superintendent, Marine Survey of India.

Calcutta,—Marine Survey Department;
The 19th November 1880.

This Notice affects the following :—

BRITISH ADMIRALTY Charts, Nos. 2523, 8a, 757, 233 and 734. Sailing Directions; Red Sea Pilot, 1873, pages 23 and 36. Light List for 1880.

INDIAN MARINE SURVEY Light List for 1880; also Taylor's Sailing Directory, Vol. I, page 27.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 22nd November 1880.

No. 199.—Messrs. W. Oldham and J. O. Hughes, Assistant Surveyors, 3rd Grade, having been allowed to resign their appointments, the latter on the 20th September 1880, the following promotion is made, with effect from the 21st September :—

Mr. P. F. Prunty, Assistant Surveyor, 4th Grade, to 3rd Grade.

J. T. WALKER, *Major-Genl., R.E.,*
Surveyor General of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 22nd November 1880.

No. 25.—Mr. J. Burke, a Superintendent of the 3rd Grade, is allowed privilege leave for twenty-four days, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 15th November 1880.

The 24th November 1880.

No. 26.—Mr. F. E. Dempster, an Assistant Superintendent of the 4th Grade, is allowed privilege leave for one month, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 24th October 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

AGENT, GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 15th November 1880.

No. 1549 *G.*—Captain and Brevet Major O. M. Creagh, V.C., Bombay Staff Corps, and 2nd-in-Command, Merwara Battalion, having been recommended by a Medical Board for eighteen months' furlough to England on medical certificate, is granted subsidiary leave not exceeding thirty days, with effect from the date he may avail himself of the same, to enable him to proceed to the port of embarkation.

The 18th November 1880.

No. 1581 *G.*—Major F. W. Boileau, Commandant, Merwara Battalion, returned from the privilege leave granted him in this Office Notification No. 1404 G., dated 19th October 1880, on the 3rd November 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 18th November 1880.

No. 29.—Major H. McV. Crichton, R.E., Executive Engineer, and Mr. P. McKenzie, Assistant Engineer, respectively, received and made over charge of the Chakrata Division, Military Works, on afternoon of 9th instant.

The 20th November 1880.

No. 30.—With reference to this Office Notifications Nos. 21 and 22 of 20th August last, Major A. C. Paddy, R.E., Executive Engineer, returned to duty on afternoon of the 12th instant, and took over charge of the Ranikhet Division, Military Works, from Mr. M. Birkbeck, on the forenoon of the 13th idem.

The 23rd November 1880.

No. 31.—With reference to Inspector General's Notification No. 55 of 8th October 1880, Lieutenant A. Hildebrand, R.E., Assistant Engineer, is posted to the Ranikhet Division, Military Works, which he joined on the forenoon of 13th instant.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Sirhind & Lahore Command.

The 17th November 1880.

No. 87.—Mr. A. Grant, Assistant Engineer, 1st Grade, Umballa Division, Military Works, transferred to the Punjab Provincial Branch, Public Works Department, reported his departure for Kohat on the afternoon of the 31st October 1880.

D. WARD, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 16th November 1880.

No. 160.—CORRIGENDUM.—In Director General's Notification No. 141, dated 23rd October 1880, omit the parts referring to the extensions of the Lower Section to the 14th mile from Sibi.

The 17th November 1880.

No. 161.—With reference to Public Works Department Notification No. 247, dated 26th July 1880, Mr. G. Hawkes, Assistant Traffic Superintendent, is posted to the State Railways under the control of the Consulting Engineer for Guaranteed Railways, Lahore.

The 19th November 1880.

No. 162.—The formation of the following Divisions on the Bhopal State Railway is sanctioned :—

The Nerbudda Division—from Itarsi to the Gadariya Viaduct.

The Bhopal Division—from the Gadariya Viaduct to Bhopal.

No. 163.—Mr. G. W. Dodsworth, Executive Engineer, 1st Grade, is granted fifteen months' furlough to England with the usual subsidiary leave.

The 20th November 1880.

No. 164.—With reference to Government of India, Public Works Department, Notification No. 389, dated 18th November 1880, Major J. B. Sparks, Executive Engineer, 2nd Grade, is appointed Port Store-keeper, State Railway Department, Bombay.

No. 165.—Mr. G. G. Hiley, Stock-verifier for State Railways, and Officiating Port Store-keeper, Bombay, is transferred to Karachi as Port Store-keeper, State Railway Department.

No. 166.—Mr. C. S. Warwick, Port Store-keeper, State Railway Department, Karachi, is appointed Stock-verifier for State Railways.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

NOTIFICATIONS.

Hoshangabad, the 18th November 1880.

No. 4.—With reference to Public Works Department Notification No. 359, dated 3rd instant, Mr. C. Swappe, Executive Engineer, 2nd Grade, joined this Railway on the afternoon of 11th October 1880.

No. 5.—With reference to Public Works Department Notification No. 364, dated 6th instant, Mr. E. I. Shadbolt, Assistant Engineer, 1st Grade, joined this Railway on the afternoon of 18th October 1880.

The 23rd November 1880.

No. 6.—With reference to the Director General of Railways' Notification No. 146, dated 23rd October 1880, Mr. J. R. Bell, Executive Engineer, 2nd Grade, joined this Railway on the afternoon of 21st instant.

H. T. GEOGHEGAN,
Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Mooltan, the 20th November 1880.

No. 21.—It is hereby notified that the following Telegraph Offices on the Indus Valley State and Lower Section Kandahar Railways have been opened and closed for public messages:—

Name of Station.	Where situated.	REMARKS.
Nowshera	Northern Section, Indus Valley State Railway.	Closed.
Pano Akil		
Dadu	Southern Section, Indus Valley State Railway.	
Adamwahan.	Northern Section, Indus Valley State Railway.	Opened.
Laki	Southern Section, Indus Valley State Railway.	
Shikarpur	Lower Section, Kandahar Railway.	
Jacobabad		
Sibi		

T. B. B. SAVI, *Captain, R.E.,*
Manager.

KANDAHAR STATE RAILWAY,
Jacobabad Section.

NOTIFICATIONS.

Jacobabad, the 16th November 1880.

No. 32.—Mr. James Tait, Assistant Engineer, 1st Grade (temporary rank), held charge of the Mittree Division from the 20th December 1879 to 18th March 1880, both days inclusive.

No. 33.—Lalla Babumull, Assistant Engineer, 2nd Grade, reported his return from the five months' leave on medical certificate granted him under Notification No. 23 of 11th September 1880, on the forenoon of the 9th instant, and is posted to the Jacobabad Division.

H. F. STOREY,
Engineer-in-Chief.

NIMACH-NASIRABAD STATE RAILWAY.

NOTIFICATIONS.

Nimach, the 19th November 1880.

No. 35.—CORRIGENDUM.—Instead of the word "2nd instant" in this Office Notification No. 29, dated 8th September 1880, read "1st instant" as the date on which Mr. C. J. S. Baker, Assistant Engineer, 2nd Grade, availed himself of the three months' privilege leave granted to him by the Director General, Railways.

No. 36.—With reference to this Office Notification No. 30, dated 10th September 1880, Mr. R. Davis, Assistant Engineer, 1st Grade, on return from furlough, reported his arrival at Neemuch on the forenoon of 17th August 1880.

WM. B. CARTER, *C.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Open Line.

NOTIFICATION.

Lahore, the 23rd November 1880.

No. 27.—With reference to Director General of Railways' Notification No. 143, dated 23rd October 1880, the following postings to the three new Divisions, specified therein, are made:—

Lahore Division.

Mr. A. Brereton, Executive Engineer, 4th Grade (temporary rank), in charge.

Mr. J. S. Brown, Assistant Engineer, 2nd Grade.

Mr. F. Wolley-Dod, Assistant Engineer, 2nd Grade.

Mr. M. J. Chabrel, Assistant Engineer, 2nd Grade.

Jhelum Division.

Mr. C. A. Bull, Executive Engineer, 2nd Grade, in charge.

Mr. H. S. Harrington, Assistant Engineer, 1st Grade.

Mr. C. H. C. Bickerton, Assistant Engineer, 1st Grade.

Mr. L. G. Prickett, Assistant Engineer, 2nd Grade.

Rathial Ravines Division.

Mr. M. C. Mackinnon, Executive Engineer, 4th Grade, in charge.

E. L. MARRYAT, *Major, R.E.,*
Manager.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Agra, the 22nd November 1880.

No. 28.—With reference to Manager's Notification No. 22 of the 1st November 1880, Surgeon-Major A. Hilson, Civil Surgeon, Agra, was relieved of the Office and duties of Medical Officer, Rajputana State Railway, by Surgeon K. M. Downie, M.D., on the forenoon of the 18th November 1880.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nov. 15	...	...	...	3,12,164	20,56,365	9,34,675
" 16	...	...	...	3,12,164	20,75,100	9,34,675
" 17	...	...	2,99,075	712	23,86,609	12,46,128
" 18	...	...	...	712	24,28,455	12,46,128
" 19	...	...	...	468	24,28,450	12,46,128
" 20	...	...	...	468	24,28,450	12,46,128

CALCUTTA MINT, *The 22nd Nov. 1880.* } J. F. TENNANT, *Col., R.E.,*
Mint Master

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 25th Nov. 1880 ... Rs. 58,53,499-5-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 26th November 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd November 1880.

LIABILITIES.	Rs.	A.	P.	Rs.	A.	P.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				22,89,209	0	0
Public Deposits at Head Office	75,66,447	9	4	1,83,55,005	2	10
Public Deposits at Branches	1,07,88,557	9	6			
Other Deposits at Head Office and Branches				4,63,69,727	2	10
Bank Post Bills, &c.				3,72,639	4	0
Sundries				13,42,638	15	10
RUPEES				8,87,29,219	9	6

ASSETS.	Rs.	A.	P.	Rs.	A.	P.
Government Securities				1,32,22,980	0	0
Loans on Government Securities, &c., at Head Office and Branches				60,62,289	0	1
Accounts of Credit on Government Securities, &c., at Head Office and Branches				40,00,011	4	3
Bills discounted and purchased at Head Office and Branches				1,41,45,790	13	4
Balances with other Banks				3,36,121	12	9
Bullion				47,297	12	4
Dead Stock				10,73,054	9	0
Stamps				7,705	7	0
Sundries				3,70,378	10	6
				3,92,65,629	5	3
Cash and Currency Notes at Head Office	2,84,72,058	6	5	4,94,63,590	4	3
Cash and Currency Notes at Branches	2,09,91,531	13	10			
RUPEES				8,87,29,219	9	6

By order of the Directors,

BANK OF BENGAL, *Calcutta, 25th November 1880.* } J. GORDON, *Chief Acott. & Depy. Secretary.* R. HARDIE, *Secretary & Treasurer.*

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st October 1880.

PARTICULARS.	3½ per cent. Loan of 1853-54.	4 per cent. Loans: Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	4½ per cent. Loans: Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. portion.	Transfer Loan of 1879, seven shillings sterling per cent. portion.	5 per cent. Debenture for 15 years, re-payable June 1882.	5 per cent. Loan of 1856-57.	5½ per cent. Loan of 1859-60.	TOTAL AMOUNT.
Balance of 15th October 1880	54,100	38,506	3,413	15,30,240	30,53,100	2,37,69,000	1,11,04,500	1,78,80,600	3,04,50,500	45,90,000	4,49,000	92,21,800	8,30,25,000	1,01,700	34,36,000	65,800	71,300	18,88,44,559
Add—																		
Amount enfaced at Madras between 16th and 31st October 1880	...	...	...	...	...	1,90,000	10,000	...	1,500	...	...	5,000	2,01,400	...	...	...	...	4,07,900
Amount enfaced at Bombay between 16th and 31st October 1880	...	...	...	...	...	2,500	...	...	...	...	...	1,21,000	6,22,200	...	...	...	...	7,45,700
Amount enfaced at Calcutta between 16th and 31st October 1880	...	...	...	...	1,500	...	...	11,000	...	...	3,000	75,000	4,23,000	...	10,000	...	...	5,23,500
	54,100	38,506	3,413	15,30,240	30,54,600	2,39,61,500	1,11,14,500	1,78,91,600	3,04,52,000	45,90,000	4,52,000	94,22,800	8,42,71,600	1,01,700	34,46,000	65,800	71,300	19,05,21,659
Deduct—																		
Amount written off in the London Registers	...	...	...	...	8,000	2,48,300	49,900	1,97,000	3,44,900	...	...	1,70,000	9,97,000	...	10,000	...	8,400	20,33,500
Balance on 31st October 1880	54,100	38,506	3,413	15,30,240	30,46,600	2,37,13,200	1,10,64,600	1,76,94,600	3,01,07,100	45,90,000	4,52,000	92,52,800	8,32,74,600	1,01,700	34,36,000	65,800	62,900	18,84,88,159

NOTE.—From	Enfaced from India	Re-transferred from London
9th June 1867 to 31st Aug. 1880	3,930 lakhs	3,365 lakhs
1st Sept. 1880 to 15th Sept.	7 "	23 "
16th " " to 30th "	15 "	19 "
1st Oct. " to 16th Oct.	4 "	10 "
16th " " to 31st "	16 "	20 "
	3,972 lakhs	3,437 lakhs
	3,437 "	
Balance against London	535 lakhs	

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 15th November 1880.

R. HARDIE,
Secretary and Treasurer.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
214	... D 18—57354 ...	100	The Munsiff of Lucknow.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
165	... D 10—85949 ...	5	Sujja Ram, Cawnpore.
166	... D 12—24981 ...	5	R. C. Sharpe, Esq., Roorkee.
167	... D 17—11842 ...	50	Sardar Man Singh, Lahore.
28	... D 10—14925 } * " —14926 }	5	Sreedhur Rockhit and Behari Lali Bhur, Calcutta.

* Mismatched.

ALLAHABAD,
The 24th November 1880.

W. H. EGERTON, *A.A.-G.*,
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880 W64	... M 52—10121 M 51—14093 M 52—17859 M 50—19768 M 52 - 55667 M 50—57993	10	J. Hodges, Bombay.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
H159	... M 41—42412 ... M 46—04431 ...	10 50	Mrs. Jemima Coleman, Bombay.
M68	... M 23—43326 M 35—96297	50	Narayen Bhaoo Godsey, Poona.
M69	... M 52—06773 " —06774	10	Jijibhoy Jehangirji, Bombay.

BOMBAY,
The 23rd November 1880.

C. E. CRAWLEY,
Asst. Accountant-General, in charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr No.	No. of Notes.	Value. Rs.	Name of Claimant.
263	... O 61—27613 ... O 60—84520 ... O 53—08591 ... O 77—54492 ... O 81—84861 ... O 76—37398 ... O 36—00171 ... O 37—00301 ... L 29—50976 ...	20 20 10 10 10 10 5 5 5	Babu Chunder Kumar Kundoo.
264	... O 74—35714 " —35713	1,000 each	Hameer Sing Sumer Mull.
265	... O 82—46640 ...	10	Babu Kailas Chunder Ghose.
266	... O 34—21156 ... O 68—72769 ... O 30—78721 ... O 80—59195 ... O 53—05846 ... O 78—26534 ... O 38—26845 ...	100 100 50 10 10 10 5	Ram Kishore.
267	... O 66—11806 ...	100	Babu Rajnarayan Singh.
270	... O 32—08332 " —08338	50 each	Mr. T. Shaw.
271	... O 32—07275 ...	50	Mrs. M. A. Jarvis.

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
275	... O 82—84713 ...	10	Mr. C. Dacosta.
276	... O 61—35392 ... O 82—91317 ...	20 10	Mr. R. N. Matthewson.
277	... L 11—24703 ...	5	Babu Krishna Gopal Sanyel.
278	... O 26—46166 ...	20	Babu Soorendranath Pramanic.
279	... O 4—87545 ... O 25—41877 ... O 24—47831 ... O 26—59089 ... O 61—20520 ... " —04116 ... O 55—82715 ...	20 20 20 20 20 20 20	Babu Soorendranath Pramanic.
280	... A 79—18040 ...	10	Babu Grish Chunder Singha.
281	... L 66—30374 ...	50	Hurryher Sehoy.
186	... O 82—34958 " —39658	10	Babu Ram Shunker Sen.
187	... L 72—57954 " —57955	10	Messrs. Jadoo Roy & Co.
188	... O 15—38729 " —38732	10	Gonesh Das Parek.
189	... L 24—98703 " —98702	5	Babu Denonath Chakravarti.
190	... L 22—48385 " —48384	5	Babu Annada Prosad Dey.
191	... L 55—61209 " —61208	5	Babu Grish Chunder Chatterjee.
192	... L 1—30335 " —30325	10	Babu Gunga Prosad Mukerjee, M. B.
193	... O 44—08446 " —08449	10	The Agent, Oriental Bank Corporation, Calcutta.
194	... L 26—65910 D 10—73674	5	Babu Ramrutton Dhur.

CALCUTTA,
The 26th November 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
G 13—47286 " —47287	5	Mr. Eduljee Uspundiarjee, Kurrachee.

KURRACHEE,
The 19th November 1880.

W. PATTON,
Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
99	... E 13—84572 ... " —84573 ...	100 100	District Superintendent of of Police, Purneah.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
153	... E 13—76327 ...	100	Khem Chand and Bhugwan Das, Delhi.
165	... E 13—45058 ... " —64366 ...	100 100	Captain V. Eyre, 23rd Pioneers, Meean Meer.

LAHORE,
The 20th November 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
71	... B 62—94211 ...	100	Major McCarthy, Secunderabad.

Madras Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
149 ...	B 62—81608 ...	100	Harun Sett, Merchant, Udipi, South Canara.
	B 66—07657 ...	100	
150 ...	B 60—49856 ...	10	P. Vicaswami Vathiar, Viraswami Naiker Street, Karikal.

FORT SAINT GEORGE,
The 15th November 1880.

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 26th November 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	4th Dec.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	29th Nov.	Str. *Booldana.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *via* Hong-Kong for Yokohama; also for Australian Colonies	6 „	30th „	From Bombay.
Foreign Mails *via* Bombay	6 „	1st Dec.	From Bombay.
Do. Book Post and Pattern Packets	6 „	30th Nov.	From Bombay.
Rangoon, Moulmein and Straits	6 „	2nd Dec.	Str. *Simla.**
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 „	3rd „	Str. *Commilla.*
Persian Gulf	6 „	27th Nov.	From Bombay.

* Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 26th November 1880.

Abreu, Mrs. Isabella.
Adams, Mrs. E.
Allen, Miss Rose.
Anderson, G.
Anderson, J. L.
Anderson, W. P.
Bachelor, David.
Bancroft, J. H.
Barckley, J. F.
Bayley, Miss A.
Beecher, Mrs. A.
Bennett, Lieut. L.
Bepin Behary Mukerjee.
Brandt, Monsieur J. Tauri.
Courage, A. G.
Daniel, Mrs. M.
Dass, R.
DeCruze, P. M.
Doyne, Capt R. J.
Duncan, James.
Dwarka Nath Dass.
Entwistle, Mrs.
Eskell, W. E.
Evans, H. G.
Glazebrooke, H. K.
Harris, W.
Hays, E. J.
Heegan, R. M.
Henry, E.
Hemsted, Surgeon A.
John, Geo.
Jones, A
Leeson, Mrs.
Mahany, H. C.
Manuel, R. A.
McLean, J.
Molloy, W. M.
Obed & Co.
Paterson, A. D.
Potter, Mrs.
Roy, Mrs. J.
Ryress, F. C.
Sugeman, Mrs. H. E.
Shoutt, John.
Smart, Mrs. E.
Smith, Mrs. A.
Stewart, Miss J.
Taylor, G. N.
Taylor, W. M.
Turner, J.
Wallace, A. S.
Webber, Dr.
Wills, Surgeon-Major (C. S.)
Wilson, Mrs.
Woodward, F.

Letters marked "Care of Post Office, to be kept till called for."

Allen, L. T.
Amey, Mrs. A. W.
Antonietto, Monsieur Verginio.
Ashton, Captain Sam.
Balzer, Mrs. Rosina.
Blair, T.
Bernheim, Monsieur.
Blackton, T. W.
Bryne, Joseph.
Byron, E. C. A.
Caller, Monsieur L. C. W. S.
Canham, John.
Cavanagh, J.
Clarke, Lt., 2-9th Regt. Foot.
Coondoo, M. C.
Coote, Walter.
Cratter, Geo.
Dickinson, Harry.
D'Osmond, Le Comte O.
Duzovity, Cleamenes.
Garrick, D.
Gibbons, E. J.
Gibbons, Rev. B.
Gilbert, Benjn. (Gunner.)
Godlu, Francis.
Gya Singh.
Griffin, W. H.
Harford, J.
Hastings, C. G. W.
Hay, G.
Hickling, Miss.
Jackson, R. A.
Johnson, J. C.
Kaiser, —.
Kohn, Herrn Jasef M. L. H.
Landfield, F.
Mackinon, T. A. B.
Maxwell, George P.
Marchant, Miss M. R.
Meeredy, James McG.
Moolla, Monsieur N. J.
Moore, R. C.
Murphy, Revd. J. B. C. M. K. W.
Ottley, Captain J. W.
Pearson, Lewie.
Perks, M. J.
Prendergast, Mrs. C. L.
Phelps, Mrs. C. Harris.
Pogose, John.
P. W.
Quinlan, Rev. A. W. R.
Rae, William.
Reid, R.
Rishworth, J.
Roopchand Saddhar.
Ryder, H.
Scanlon, C. A. R.
Schore, T. C.
Sherman, A.
Simpson, L.
Sinclair, J. L.
Slade, J.
Tapper, J.
Thomas, Miss
Warde, Mrs.
Will, Peter D.
Wilkinson, Mrs. Mary.
Willie.
Wilson, Alex.
Wilson, G. A.
Young, Mrs. J.

Newspapers.

Bachanan, Beverley.
Bepin Behary Mookerjee.
Brooks, F. G.
Byron, E. C. A.
Cavanagh, J.
D'Osmond, Le Comte.
Edward, George.
Fitzsimmons, John.
Griffin, W. H.
Miller, Captain William.
Molla, Monsieur N. J.
Morton, M.
O'Brien, S. H. G.
Sale, M.
Tobin, John.
Usborne, W.
Wilson, J. H.

Registered Letters.

Hoctor, Mrs. Bertha.
Marchant, Miss M. R.
Rosa, Lorenzo.
Scanlan, C. A. R.
Shury, C. T.

E. C. GEORGE,
Presidency Post Master.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8.* The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20.* This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه٬

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى علاوه قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه ٬

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Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to., 63 pages, 4 plates	1	8	0
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HENRY F. BLANFORD,
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Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of Superintendent of Government Printing, 8, Hastings Street.

Indian Ocean—

Indian Ocean, Curves of equal magnetic variation. *Annas 8.*

India, West Coast—

Kurrachee to Vingorla. *Re. 1-12.*
Vingorla to Cape Comorin. *Re. 1-12.*
Port of Sahaya or Seraia. *Re. 1.*
Cutch Mandvi. *Re. 1.*
Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
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India, East Coast, Bay of Bengal, Ceylon, &c.—

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Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
Hooghly River.—Luff Point to Anchoring Creek, showing the James and Mary Shoals and entrance to the Roopnarain River. *Re. 1-8.*
False Point to Mutlah River, showing the approaches to Sandheads. From the latest Government Surveys. *Re. 1.*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Coronge Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Coast of Tenasserim—Tavoy River, from a sketch by Lieutenant R. Moresby, with Corrections and Additions. *Re. 1.*
Port Mouat, Andamans.

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang P'ra. *Re. 1.*
Patani Bay. *Annas 8.*
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Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
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Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanvel.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 4, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

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HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 22nd November 1880.

Mr. C. T. Davis, Chief Clerk of the High Court, Original Side, has obtained privilege leave of absence from 22nd November instant, to 11th December next, both days inclusive, under Section 44*a* of the Civil Leave Code.

By Order,

R. BELCHAMBERS,

Registrar.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 1st December 1880.

No. 200.—The following promotions are made, with effect from the 22nd ultimo, *vice* Mr. C. A. R. Scanlan, Surveyor, 4th Grade, who retired on the 30th September last, and Mr. P. Ford, Surveyor, 4th Grade, who died on the 21st ultimo:—

Mr. A. James, Assistant Surveyor, 1st Grade, to be Surveyor, 4th Grade.

Mr. J. R. Scott, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. J. McCay, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

Mr. J. Keating, Assistant Surveyor, 4th Grade, to be Assistant Surveyor, 3rd Grade.

J. T. WALKER, *Major-Genl., R.E.,*

Surveyor General of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 3rd December 1880.

No. 27.—Mr. P. M. Madge, an Assistant Superintendent of the 4th Grade, is allowed privilege leave for 35 days, under Section 44 of the Civil Leave Code, with effect from the forenoon of the 2nd December 1880.

This cancels Notification No. 23, dated 6th November 1880.

R. MURRAY, *Colonel,*
Dir. Genl. of Tels. in India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 1st December 1880.

No. 51.—Dr. John Anderson, Superintendent of the Indian Museum, returned from the furlough granted him in Home Department Notification, No. 273, dated 5th November 1879, and took over charge of his Office from Mr. Wood-Mason, on the forenoon of the 30th November 1880.

By Order of the Trustees,
H. B. MEDLICOTT,
Honorary Secretary, Trustees, Indian Museum.

COMMISSIONER, INLAND CUSTOMS.

NOTIFICATIONS.

Agra, the 24th November 1880.

Mr. A. R. Shaw, on his return from furlough, assumed charge of the Office of Assistant Commissioner, Punjab Mines Division, on the forenoon of the 16th November 1880.

Mr. A. R. Shaw, on transfer, made over charge of the Office of Assistant Commissioner, Punjab Mines Division, on the afternoon of the 16th November 1880.

The 30th November 1880.

No. 9.—The Government of India having, by order in the Department of Finance and Commerce, No. 3868, dated 26th November 1880, established a Lower and Upper Division of the Internal Branch with head-quarters at Benares and Agra respectively, Mr. F. Ashton, Assistant Commissioner, Internal Branch, is posted to the charge of the Lower Division.

Mr. W. Synnott, Assistant Commissioner, in charge of the Sambhar Lake Division, is posted to the charge of the Upper Division.

W. S. HALSEY,
Commissioner, Inland Customs.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 30th November 1880.

No. 1951.—Major H. M. Buller, 2nd-in-Command, 1st Regiment, Central India Horse, is granted three months' privilege leave from the date in November on which he may avail himself of the same.

No. 1953.—Lieutenant C. J. B. H. Dressner, Officiating 1st Squadron Officer, 2nd Regiment, Central India Horse, is granted three months' privilege leave from the date in November on which he may avail himself of the same.

By Order,
D. W. K. BARR,
1st Asstt. to the Agent, Govr. Genl., for Central India.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Presidency & Oudh Command.

Lucknow, the 26th November 1880.

No. 17.—With reference to Government of India, Public Works Department, Notification No. 388 of 17th instant, Mr. J. M. Harsum, C.E., Temporary Executive Engineer, 4th Grade, lately attached to the Allahabad Division, Military Works, reported his departure for Rangoon on the 21st instant.

The 1st December 1880.

No. 18.—With reference to Inspector General Military Works' Notification No. 52, dated the 2nd October last, Captain B. J. Goldie, R.E., Executive Engineer, 2nd Grade, reported his arrival at Saugor on the forenoon of 19th ultimo, and took over charge of the Saugor Division, Military Works, from Mr. G. W. Dodsworth, C.E., Executive Engineer, 1st Grade, on the forenoon of the 23rd idem.

W. R. TUCKER, *Lieut.-Colonel, R.E.,*
Supdg. Engr., Presidency & Oudh Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 27th November 1880.

No. 2706.—With reference to Inspector General of Military Works' Notification No. 61, dated the 18th October 1880, Honorary Lieutenant J. Walsh, Assistant Engineer, 2nd Grade, made over charge of the Sialkot Division, Military Works, to Captain G. T. Maitland, Executive Engineer, on the forenoon of the 6th instant.

No. 2707.—With reference to Government of India, Military Department, Notification No. 634, dated the 12th of November 1880, Captain W. G. Nicholson, R.E., Executive Engineer, 3rd Grade, reported his departure from the Rawalpindi Command, Military Works, from the forenoon of the 23rd instant.

THOMAS C. MANDERSON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

Sirhind & Lahore Command.

The 30th November 1880.

No. 88.—Lieutenant Edward Glennie, R.E., Temporary Executive Engineer, 4th Grade, Kasauli Division, Military Works, is granted sixty days' privilege leave from the 15th December 1880, or from such subsequent date as he may avail himself of it, under Government of India No. 1822-50 G. of the 21st October 1880.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 26th November 1880.

No. 29.—With reference to Notification by Director General of Railways' No. 161, dated 17th November 1880, Mr. G. Hawkes, Assistant Traffic Superintendent, is posted to the Indus Valley State Railway.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

Lucknow, the 25th November 1880.

Referring to Government of India, Public Works Department, Notification No. 383, of the 15th November 1880, Mr. H. C. Barnes, Deputy Examiner of Accounts, was relieved of, and Mr. R. N. Burn, Deputy Examiner of Accounts, resumed, his duties in the Audit Office of the Oudh and Rohilkund Railway, on the afternoon of the 23rd November 1880.

The unexpired portion (eight days) of Mr. R. N. Burn's privilege leave is cancelled.

R. C. B. PEMBERTON, *Lieut.-Col., R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 23rd November 1880.

No. 167.—With reference to Public Works Department Notification No. 358, dated 3rd November 1880, Mr. E. R. S. Lloyd, Assistant Engineer, 2nd Grade, is posted to the Gwalior-Jhansi Division of the Sindia State Railway.

No. 168.—Mr. H. B. Molesworth, Assistant Engineer, 1st Grade, is transferred to the Pindi Junction to Peshawar Section from the Open Line of the Punjab Northern State Railway.

No. 169.—Mr. G. F. Lamb, Assistant Engineer, 4th Grade, passed the Higher Standard Examination in Hindustani, on the 4th October 1880.

No. 170.—Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, is transferred from the Punjab Northern State Railway to the Gwalior-Jhansi Division of the Sindia Railway.

The 25th November 1880.

No. 171.—Mr. S. A. L. Corrigan, Assistant Engineer, 1st Grade, passed the Lower Standard Examination in Hindustani, on the 4th October 1880.

The 29th November 1880.

No. 172.—Mr. R. A. English, Assistant Engineer, 2nd Grade, passed the examination prescribed in Public Works Code, Chapter II, paragraphs 16 to 19, on the 15th November 1880.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

NOTIFICATIONS.

Hoshangabad, the 24th November 1880.

No. 7.—With reference to the Director General of Railways' Notification No. 162, dated 19th instant, the under-mentioned Officers are posted as follows:—

To Nerbudda Division.

Mr. J. C. Ledger, Executive Engineer, 2nd Grade.

Mr. E. I. Shadbolt, Assistant Engineer, 1st Grade.

Babu Shiv Dayal, Assistant Engineer, 1st Grade.

To Bhopal Division.

Mr. C. Swappe, Executive Engineer, 2nd Grade.

Mr. J. Tait, Assistant Engineer, 1st Grade.

Mr. St. J. Hewitt, Assistant Engineer, 2nd Grade.

The 29th November 1880.

No. 8.—With reference to Director General of Railways' Notification No. 146, dated 23rd October 1880, Baboo Dharm Singh Soin, Assistant Engineer, 3rd Grade, joined this Railway on the afternoon of 27th instant.

H. T. GEOGHEGAN,
Engineer-in-Chief.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATIONS.

Mooltan, the 24th November 1880.

No. 22.—Mr. P. Duncan, Assistant Engineer, 1st Grade, Indus Valley State Railway, is granted one month's privilege leave, with effect from the 10th December 1880, or such subsequent date as he may avail himself of it.

No. 23.—Captain J. A. Little, S.C., Executive Engineer, 2nd Grade, received, and Mr. C. W. Hodson, Executive Engineer, 4th Grade (temporary rank), made over, charge of the Khanpur Division, Indus Valley State Railway, on the afternoon of the 11th November 1880.

T. B. B. SAVI, *Captain, R.E.,*
Manager.

KANDAHAR STATE RAILWAY,
Harnai and Gulistan-Karez Section.

NOTIFICATIONS.

Nari, the 9th November 1880.

No. 56.—Insupersession of Engineer-in-Chief's Notification No. 22, dated 15th May 1880, Mr. W. de W. Peel, Executive Engineer, 4th Grade (temporary rank), availed himself of six days' subsidiary leave granted in Director General of Railways' Notification No. 61, dated 15th April 1880, on the forenoon of the 12th April 1880, and reported his departure from Bombay on the afternoon of the 17th April 1880, on six months' special leave under Section 31 of Civil Leave Code.

No. 57.—Major E. N. Peters, R.E., Executive Engineer, 3nd Grade, is granted twenty-five days' privilege leave from the forenoon of 23rd October 1880.

No. 58.—In continuation of this Office Notification No. 56, dated 9th November 1880, Mr. W. de W. Peel, Executive Engineer, 4th Grade (temporary rank), reported his arrival at Bombay from six months' special leave, on the forenoon of the 15th October 1880, and is granted the usual subsidiary leave for joining his post.

No. 59.—With reference to Director General of Railways' No. 2758 E., dated 29th October 1880, the under-mentioned officers returned from military duty to this line, on the dates specified against their names :—

Captain W. W. B. Whiteford, R.E., Executive Engineer, 4th Grade, on the forenoon of 18th October 1880.

Lieutenant C. F Fuller, R.E., Executive Engineer, 4th Grade (temporary rank), on the forenoon of 18th October 1880.

Lieutenant W. W. Robinson, R.E., Executive Engineer, 4th Grade (temporary rank), on the forenoon of the 18th October 1880.

Lieutenant G. Davidson, R.E., Assistant Engineer, 1st Grade, on the forenoon of the 18th October 1880.

Lieutenant J. Nevelle, R.E., Assistant Engineer, 1st Grade, on the forenoon of the 18th October 1880.

Lieutenant S. A. E. Hickson, R.E., Assistant Engineer, 1st Grade, on the forenoon of the 18th October 1880.

No. 60.—Lieutenant S. A. E. Hickson is permitted to avail himself of ninety days' privilege leave granted by Public Works Department Notification No. 352, dated 27th October 1880, on the forenoon of 1st November 1880.

No. 61.—In continuation of No. 58, Mr. W. de W. Peel, Executive Engineer, 4th Grade (temporary rank), reported arrival on the forenoon of 23rd October 1880, and is posted to Office of Engineer-in-Chief; the eight days' taken in joining, is granted as subsidiary leave.

J. G. LINDSAY, *Lieut.-Col., R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY,
Open Line.

NOTIFICATIONS.

Lahore, the 24th November 1880.

No. 28.—Mr. L. C. D. Beau, Traffic Probationer, passed the Lower Standard Examination on 3rd November 1879.

The 25th November 1880.

No. 29.—With reference to Notification No. 14, dated 5th October 1880, by the late Superintendent of Works, Rathial-Pindi Section, Mr. H. S. Harrington, Assistant Engineer, returned from leave on the forenoon of 13th November 1880.

E. L. MARRYAT, *Major, R.E.,*
Manager.

SINDIA STATE RAILWAY.

NOTIFICATIONS.

Dholpur, the 24th November 1880.

No. 7.—With reference to Director General of Railways' Notification No. 145, dated 23rd October 1880, the under-mentioned Officers, posted to the Gwalior-Jhansi Survey Division, reported their arrival on the dates specified against each :—

Mr. F. L. Dibblee, Executive Engineer, 1st Grade,—forenoon of 3rd November 1880.

Mr. A. S. Gerrard, Assistant Engineer, 1st Grade,—afternoon of 29th October 1880.

The 30th November 1880.

No. 8.—With reference to Director General of Railways' Notification No. 145, dated 23rd October 1880, Mr. S. Rebsch, Assistant Engineer, 1st Grade, joined this Railway on the afternoon of the 27th November 1880.

H. D. LATOUCHE,
Engineer-in-Chief,
Sindia State Railway.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act VI of 1878, that, on the 7th August last, treasure consisting of silver current coins valued at Rs. 147-8, were found in the village of Vallam, Vadakku Setti, Tanjore Taluq, Tanjore District, Madras Presidency.

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Tanjore, at his Office on the 11th day of April 1881, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

FORSTER WEBSTER,
Collector.

The 11th November 1880.

Statement of the Affairs of the Bank of Bengal for the week ending 30th November 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,209	0	0
Public Deposits at Head Office (Rs. 84,81,282 13 7)	1,61,29,430	1	11
Public Deposits at Branches (Rs. 76,48,147 4 4)			
Other Deposits at Head Office and Branches	4,73,16,312	3	9
Bank Post Bills, &c.	3,54,174	15	0
Sundries	13,41,766	5	7
RUPEES	8,74,30,892	10	3

ASSETS.	Rs.	A.	P.
Government Securities	1,34,93,010	0	0
Loans on Government Securities, &c., at Head Office and Branches	60,30,110	2	1
Accounts of Credit on Government Securities, &c., at Head Office and Branches	37,36,206	13	7
Bills discounted and purchased at Head Office and Branches	1,35,13,401	10	9
Balances with other Banks	3,82,507	8	5
Bullion	59,739	8	10
Dead Stock	10,73,194	6	1
Stamps	7,492	2	0
Sundries	3,70,143	5	6
	3,86,65,805	9	3
Cash and Currency Notes at Head Office (Rs. 2,82,84,334 14 10)	4,87,65,087	1	0
Cash and Currency Notes at Branches (Rs. 2,04,80,752 2 2)			
RUPEES	8,74,30,892	10	3

By order of the Directors,

BANK OF BENGAL,
Calcutta, 2nd December 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

Report of a Deserter from the 51st Regiment of Light Infantry, dated at Umballa, this 25th day of November 1880.

Number, Rank and Name,—No. 8Bde.—883, Private John Jones.
Age,—27 years 3 months.
Size,—About 5 feet 6½ inches.
Color of—
Complexion, fresh, but sunburnt; Hair, dark brown; Eyes, hazel.
Date of Desertion,—20th November 1880.
Place of Desertion,—Umballa.
Date of Enlistment,—7th June 1877.
Place where Enlisted,—Halifax, Yorkshire.
Parish and County at which Born,—Wells, Somersetshire, Post Town, Wells.
Marks,—None.
Trade,—Laborer.
Coat or Jacket,—Took away a great coat and forage cap belonging to a man of 100th Regiment.
Breeches or Trowsers—Supposed to be khakee.
REMARKS,—None.
Under 4 years' service.

C. C. SMYTH, *Capt.,*
Comdg. Det. 51st Light Infy.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nov. 22	...	...	...	468	24,28,305	12,46,128
" 23	4,01,062	...	498	4,01,062	24,28,863	12,46,596
" 24	...	...	...	4,01,062	24,33,094	12,46,596
" 25	...	...	...	4,01,062	24,33,094	12,46,596
" 26	...	...	...	4,01,062	24,33,762	12,46,596
" 27	...	...	...	4,01,062	24,34,181	12,46,596

CALCUTTA MINT,
The 29th Nov. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 2nd Dec. 1880 ... Rs. 53,80,148-5-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 3rd December 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
215	D 18—31343	100	Mrs. A. Boughey, Landour.
	" —61592	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
168	D 12—22520	5	Captain W. F. Hill, Lucknow.
169	D 14—06806	20	Messrs. Oldemeyer and Hanfeldt, Calcutta.
170	D 16—13258	10	Surgeon-Major A. H. Hilson M.D., Agra.
	" —13259	10	
171	D 17—15738	50	R. Smeaton, Esq., C.S., Allahabad.
	D 18—56237	100	

ALLAHABAD,
The 1st December 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880		Rs.	
H160	M 43—26558	100	Ticumdass Kassidass, Ranpur.
H161	M 53—52691	20	Capt. C. H. Bagat, R.E., Roorkee.
H162	M 43—54762	100	Jamsetji Nowroji, Baroda.
	M 46—52355	50	

BOMBAY,
The 30th November 1880.

C. E. CRAWLEY,
Asst. Accountant-General,
in charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
273	... O 71—01685 ...	500	Hari Ram Raja Ram.
	O 68—38327 ...	100	
274	... O 69—36946 ...	100	Babu Jonnerdun Mukerjee.
275	... O 68—91360 ...	100	Babu Juggeshur Shaw.
276	... O 69—66144 ...	100	The Secretary and Treasurer, Bank of Bengal, Calcutta.
277	... O 62—90510 ...	20	Inspector W. Ferris.
	„ —90511 ...	20	
	„ —90512 ...	20	
	„ —90513 ...	20	
279	... O 79—85641 ...	10	The Deputy Collector in charge Treasury, Cuttack.
	O 81—40195 ...	10	
	„ —44262 ...	10	
	O 80—89516 ...	10	
	O 60—07560 ...	20	
281	... O 59—58612 ...	20	Babu Woomesh Chunder Mukerjee.
	O 38—51841 ...	5	
282	... O 68—98866 ...	100	Miss E. T. Elder.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
195	... L 98—06489 / „ —06486	10	Babu Woomesh Chunder Sen.
196	... O 61—42238 / „ —42239	20	Babu Brojomohun Dutt.
297	... O 49—04462 / „ —04482	10	Babu Denonath Dey.
198	... L 20—69429 / „ —69436	5	Babu Khetra Mohan Mozoomdar.
199	... L 56—69194 / „ —69195	5	Babu Gobind Chunder Paul.
282	... O 40—30951 ...	10	Babu Ramdhone Paul.
283	... O 78—05117 ...	10	Mr. G. A. Campbell.
284	... O 69—13635 ...	100	Babu Amerchunder Das.
285	... O 62—02185 ...	20	Babu Behari Lal Mittra.
286	... O 38—61828 ...	5	Babu Aughorechunder Dan.
287	... O 62—68023 ...	20	Babu Joy Gopal Lushkur.
288	... L 20—32527 ...	5	Mrs. Bice.
289	... O 61—07270 ...	20	Revd. F. Conrad.
	O 37—29544 ...	5	
290	... O 76—84639 ...	10	Mr. W. R. Barry, B. C. S.
291	... O 58—79:68 ...	20	Major C. O'Donel.

CALCUTTA,
The 4th December 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
101	... E 16—82150 ...	10	Hari Ram, Patwari, Village Mozung, *viâ* Lahore.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
184	... E 16—82869 ...	10	Mrs. H. Covington, care of H. J. Walker, Esq., Meean Meer.
M39	... E 12—32493 / „ —32494	20	W. J. Skeaf, Esq., Allahabad.

LAHORE,
The 26th November 1880.

H. J. BRERETON,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
72	... B 54—26449 ...	20	Kodandapani Vedavysa Charlu, Cuddapah District.
	B 61—56126 ...	50	
	B 62—92976 ...	100	
73	... B 61—58808 ...	50	T. S. Narasinga Rao, Pleader, District Court, North Arcot.

FORT SAINT GEORGE,
The 22nd November 1880.

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept.,
for *Commissioner.*

Nagpur Circle.

NOTE PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1880-81.		Rs.	
H17	... F 13—40479 ...	5	Ramnath Wittoba of Nagpur.

NAGPUR,
The 25th November 1880.

GODREZJEE D. PUDUMJEE,
Offg. Asst. Comptroller, Central Provinces, in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 3rd December 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	11th Dec.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	6th „	Str. *Malda.*
Madras and Ceylon . . .	6 „	6th „	P. and O. Str. *Pekin.*
Foreign Mails *viâ* Bombay . .	6 „	8th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	7th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	9th „	Str. *Kilwa.*
Chittagong, Akyab and Rangoon	6 „	10th „	Str. *Madras.*
Madras, Ceylon, Batavia, Singapore and China	6 „	11th „	French Str. *Meinam.*
Persian Gulf	6 „	4th „	From Bombay.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 4th December 1880.

Ackrell, C. J.	Courage, A. G.	Paterson, A. D.
Adams, Mrs. E. S.	Craik, James.	Pratt, H.
Alexander, G.	Dames, H.	Rebeiro, Miss C.
Arnovitz, B.	Daniel, Mrs. M.	Saunders, Mrs. E.
Aspa, A. G.	Dass, R.	Smart, Mrs. E.
Barnard, Mrs. E.	Enselme, Gustave.	Spalding, Mrs. W. H
Barnby, J.	Fagan, H.	Spurgeon, J. S.
Bennett Lieut. L.	Graves, H.	Stephens, C. L. Rev.
Bernon, T. Monsieur.	Hurro Lall Roy.	Tonnet, Thonny.
Brown, Miss Louisa.	John, Geo.	Veltamil, R. de Monsieur.
Burnes, S. K.	Kay, T. W.	Wade, A. F. S.
Bust, H.	McDonald, Samuel.	Walton, W. M.
Brandt, Monsieur J. Tauri.	McLean, J.	Wallace, A. S.
Cheke, A. J.	O'Connor, D.	Woodward, F.

Letters marked " Care of Post Office, to be kept till called for."

Amoy, Mrs. A. W.	Doyne, Robert W.	M. K. W.
Antonietto, Monsieur Verginio.	Garrick, D.	Neill, Major E.
	Gibbons, E. J.	Oxley, Captain J. W.
Ashton, Captain Sam.	Gibbons, Rev. B.	Pankow, Paul.
Balzer, Mrs. Rosina.	Gilbert, Benjn. (Gunner.)	Pearson, Lewie.
Blackton, T. W.	Godlu, Francis.	Phelps, Mrs. C. Harris.
Blair, T.	Godman, F. D'Cam.	Quinlan, Rev. A. W. R.
Bernheim, Monsieur.	Griffin, W. H.	Rae, William.
Brown, A. W.	Harford, J.	Reid, R.
Brundage, J. D.	Hastings, C. G. W.	Rishworth, J.
Bryne, Joseph.	Hornby, Mrs. L.	Schore, T. C.
Byron, E. C. A.	Jackson, R. A.	Sinclair, J. L.
Caller, Monsieur L.	Johnson, J. C.	Slade, J.
C. W. S.	Kalser, —.	Tapper, J.
Canham, John.	Kohn, Herrn Jasef M.	Tarring, C. J.
Clarke, Lt., 2-9th Regt. Foot.	L. H.	Thomas, Miss.
	Landfield, F.	Tupper, W.
Constantine, Courrier Geo.	Lindesay, Harris M.	Warde, Mrs.
	Mackinon, T. A. B.	Walton, Mrs.
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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

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NOTIFICATION.

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Applications for the supply of the *Gazette* on public service should be addressed to the Home Department.

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Subscription for *Gazette* and Supplement per annum	15	0	0
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Subscription for Supplement only	6	0	0
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E. J. DEAN,
Publisher, Gazette of India.

BANK OF BENGAL.

Calcutta, the 10th December 1880.

Notice is hereby given that the Bank of Bengal and Public Debt Office will be closed on Thursday the 23rd, Friday the 24th, and Saturday the 25th instant, on account of the "Christmas" Holidays, also on Saturday the 1st proximo, "New Year's Day."

By Order of the Directors,
R. HARDIE,
Secretary & Treasurer.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Sibi, the 30th November 1880.

No. 16.—During the absence of Major Dowden, R.E., Officiating Superintending Engineer, Biluchistan, on three months' privilege leave, or till further orders, the following arrangements are ordered:—

Major Macartney, R.E., to carry on the duties of Superintending Engineer.

Major Nuthall, to officiate as Executive Engineer, Biluchistan Division.

Lieutenant Kelly, R.E., to take charge of the Pishin Division.

Major Clarke, R.E., to retain charge of Sibi, Hurnai and Thull, Lower Bolan, Jacobabad and Dadur Road, which will be separated from the Biluchistan Division, and constituted an executive charge, subject to the approval of the Government of India.

T. F. DOWDEN, *Major, R.E.,*
Secy. to Agent to Govr. Genl. for Biluchistan, P. W. Dept.

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 2nd December 1880.

No. 1966.—Major G. R. Peart, 2nd-in-Command, Bhopal Battalion, held charge of the Sehore Treasury, in addition to his own duties, from the afternoon of the 16th to the forenoon of the 25th November 1880.

By Order,
D. W. K. BARR,
1st Asstt. to the Agent, Govr. Genl., for Central India.

AGENT, GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Camp Parowli, the 29th November 1880.

No. 1654 *G.*—MEDICAL.—Hospital Assistant Philip Holder, of the Abu Dispensary, is, at his own request, permitted to resign the service of Government from the 8th November 1880.

No. 1655 *G.*—Hospital Assistant Gurucharn Laskar, of the Rajputana Agency, is appointed to the charge of the Abu Dispensary from the same date.

No. 1656 *G.*—Hospital Assistant Asiff Zuman (Supernumerary), is appointed to the Rajputana Agency from the same date.

Camp Rajnagar, the 1st December 1880.

No. 1661 *G.*—With reference to Foreign Department Notification No. 582 G.-G., dated 11th March 1880, Surgeon-Major H. D. S. Compigné re-assumed medical charge of the Harowtee and Tonk Agency on the forenoon of the 14th November 1880.

No. 1669 *G.*—LEAVE.—Lieutenant-Colonel C. H. Clay, Commandant, Deoli Irregular Force, was on privilege leave from the 14th October to 16th November 1880.

Camp Oodeypore, the 4th December 1880.

No. 1718 *G.*—Captain Percy Smith, Deoli Irregular Force, is granted three months' privilege leave, with effect from the 14th November 1880.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Meerut Command.

Meerut, the 7th December 1880.

No. 32.—Major C. N. Judge, Executive Engineer, Agra Division, Military Works, returned to duty, on forenoon of 30th November, from the three months' privilege leave granted him in Government of India letter Nos. 1822-50 G. of 21st October 1880, and took over charge of the Agra Division, Military Works, from Mr. G. F. Lamb, on forenoon of 1st December 1880.

G. P. DEPALEZIEUX-FALCONNET, *Lt.-Col., R.E.,*
Supdg. Engr., Meerut Command, Military Works.

Rawalpindi Command.

Rawalpindi, the 30th November 1880.

No. 2773.—With reference to Inspector General of Military Works' Notification No. 74, dated the 11th November 1880, Captain G. T. Maitland, S.C., Executive Engineer, 2nd Grade, was relieved of his duties in the Rawalpindi Command, Military Works, on the forenoon of the 24th November 1880.

THOMAS C. MANDERSON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command, Military Works.

Sirhind & Lahore Command.

The 4th December 1880.

No. 89.—Mr. O'Hoernle, Assistant Engineer, 1st Grade, was relieved of his duties in the Military Works Branch on the 25th November, preparatory to his departure for Bengal.

The 5th December 1880.

No. 90.—Captain M. A. Alves, R.E., Executive Engineer, is granted fourteen days' privilege leave, which he availed himself of on the 5th November 1880, reporting his return therefrom on the 18th idem.

No. 91.—Captain M. A. Alves, R.E., Executive Engineer, transferred from this to the Rawalpindi Command, Military Works, reported his departure on the 21st November 1880.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command, Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Lahore, the 4th December 1880.

No. 30.—With reference to the Director General of Railways' Notification No. 145, dated 23rd October 1880, Mr. F. L. Dibblee, Executive Engineer, 1st Grade, was relieved of his duties on the Rathial-Pindi Section of the Punjab Northern State Railway, on the afternoon of the 30th September 1880.

No. 31.—With reference to Government of India, Public Works Department, Notification No. 366, dated 9th November 1880, Mr. I. Sherlock Hubbard and Captain S. Biscoe, S.C., respectively, made over and received charge of the Office of Government Examiner of Guaranteed Railway Accounts, Lahore, on the forenoon of the 29th November 1880.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 30th November 1880.

No. 173.—On the abolition of the Rathial-Pindi Section of the Punjab Northern State Railway, Mr. J. Patterson, Store-keeper, 1st Grade, is placed at the disposal of the Consulting Engineer for Railways, Lahore, for employment on the Open Line, Punjab Northern State Railway.

No. 174.—The branch of the Kandahar State Railway from Sibi to the foot of the Bolan Pass is hereby constituted a division of the Lower Section of the Kandahar State Railway, under the name of the "*Pirchowki Division.*"

Calcutta, the 7th December 1880.

No. 175.—With reference to Public Works Department Notification No. 392, dated 1st December 1880, Mr. J. W. Parry, Assistant Engineer, 2nd Grade, is posted to the Gwalior-Jhansi Survey Division of the Sindia State Railway.

That part of Director General of Railways' Notification No. 146, dated 23rd October 1880, transferring Mr. F. Reilly, Assistant Engineer, 2nd Grade, from the Pindi-Kohat Section of the Punjab Northern State Railway, is cancelled.

The 10th December 1880.

No. 176.—With reference to Public Works Department Notification No. 406, dated 9th December 1880, Mr. E. H. Johns, Assistant Engineer, 2nd Grade, is posted to the Gwalior-Jhansi Survey Division of the Sindia State Railway.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

BHOPAL STATE RAILWAY.

NOTIFICATIONS.

Hoshangabad, the 3rd December 1880.

No. 9.—With reference to Director General of Railways' Notification No. 146, dated 23rd October 1880, the following postings are made :—

To the Bhelsa Survey Division.

Mr. J. M. Campion, Executive Engineer, 3rd Grade.

Sirdar Dharm Singh Soin, Assistant Engineer, 3rd Grade.

To the Saugor Survey Division.

Mr. J. R. Bell, Executive Engineer, 2nd Grade.

Mr. W. E. Newham, Assistant Engineer, 2nd Grade.

The 4th December 1880.

No. 10.—Mr. E. D. Fowler, Assistant Engineer, 2nd Grade, is appointed as Personal Assistant to the Engineer-in-Chief.

H. T. GEOGHEGAN,
Engineer-in-Chief.

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATION.

Nari, the 12th November 1880.

No. 62.—Captain C. E. Shepherd, Executive Engineer, 1st Grade, Gulistan Division, is transferred from the 1st November 1880 to the Office of Engineer-in-Chief.

This transfer is made in the interest of the public service.

J. G. LINDSAY, *Lieut.-Col., R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATIONS.

Lahore, the 27th November 1880.

No. 30.—It is hereby notified that public telegraph messages will, on and after this date, be received for transmission at the following stations on the Punjab Northern State Railway (under the terms of the rules for the conduct of public message traffic), *viz.* :—

Name of Railway Station.	Distance from Lahore.
Dina	113 miles.
Dimeli	122 „
Sohawa	131 „
Gujur Khan	143 „
Mandra	152 „
Rewat	161 „
Rawalpindi	174 „

This is in supersession of Consulting Engineer's Notification No. 4 of 24th March 1880.

No. 31.—With reference to Director General of Railways' Notification No. 142, dated 20th October 1880, Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, 1st Grade, is posted to Jhelum Division, which he joined on the forenoon of 21st September 1880.

No. 32.—With reference to Director General of Railways' No. 2671 E., dated 28rd October 1880, transferring Sardar Dharum Singh Soin, Assistant Engineer, 3rd Grade, to the Bhopal State Railway, that officer was relieved of his duties on this line on the afternoon of 15th November 1880.

The 30th November 1880.

No. 33.—With reference to Government of India, Public Works Department, Notification No. 366, dated 9th November 1880, Captain J. S. Biscoe, S.C., made over, and Captain A. G. Begbie, R.E., received, charge of the Office of Examiner of Accounts of this line on the forenoon of 27th idem.

The 4th December 1880.

No. 36.—With reference to this Office Notification No. 6, dated 21st June 1880, Mr. F. J. Ivens, Assistant Locomotive Superintendent, returned from leave on the forenoon of 29th November 1880.

E. L. MARRYAT, *Major, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY,
Pindi Junction to Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 29th November 1880.

No. 42.—With reference to the Director General of Railways' Notification No. 116 of 24th August 1880, Mr. E. W. Arundell, Assistant Engineer, 1st Grade, reported his arrival on forenoon of 16th July last, and is posted to Nargala Division.

The 3rd December 1880.

No. 43.—With reference to Director General of Railways' Notification No. 154 of 4th November, Mr. T. E. Curry, Assistant Engineer, 1st Grade, reported his arrival on afternoon of 26th October 1880, and is posted to Attock Bridge Division.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY,
Manager's Office.

NOTIFICATION.

Agra, the 2nd December 1880.

No. 29.—Mr. E. F. Jacob, District Traffic Superintendent, Rajputana State Railway, Bandikui District, returned from the six weeks' privilege leave granted him in Manager's Notification No. 19 of the 19th October last, on the 24th November 1880, and resumed charge of his duties from Mr. P. Rainier, Assistant Traffic Superintendent, on the forenoon of the same date.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Nov. 29	...	...	2,53,544	1,37,072	26,98,171	15,10,586
„ 30	...	...	1,45,242	564	28,35,102	16,47,094
Dec. 1	...	...	...	474	28,35,062	16,47,094
„ 2	...	...	...	474	28,35,062	16,47,094
„ 3	...	...	...	474	28,35,044	16,47,094
„ 4	...	...	490	...	28,35,515	16,47,569

CALCUTTA MINT, *The 6th Dec. 1880.* } J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 9th Dec. 1880 ... Rs. 49,49,007-5-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 10th December 1880.*

Statement of the Affairs of the Bank of Bengal for the week ending 7th December 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,209	0	0
Public Deposits at Head Office (Rs. 90,25,552 3 6)			
Public Deposits at Branches (Rs. 68,93,141 10 8)	1,59,18,693	14	2
Other Deposits at Head Office and Branches	4,68,64,773	1	4
Bank Post Bills, &c.	2,89,898	10	0
Sundries	13,51,128	3	9
RUPEES	8,67,13,702	13	3

ASSETS.	Rs.	A.	P.
Government Securities	1,38,30,121	0	0
Loans on Government Securities, &c., at Head Office and Branches	58,66,839	0	1
Accounts of Credit on Government Securities, &c, at Head Office and Branches	39,91,148	3	1
Bills discounted and purchased at Head Office and Branches	1,46,35,034	3	1
Balances with other Banks	3,83,017	2	8
Bullion	47,748	0	2
Dead Stock	10,75,625	0	2
Stamps	7,456	3	0
Sundries	3,73,373	12	10
	4,02,10,362	9	1
Cash and Currency Notes at Head Office (Rs. 2,68,36,643 7 0); Cash and Currency Notes at Branches (Rs. 1,96,66,696 13 2)	4,65,03,340	4	2
RUPEES	8,67,13,702	13	3

By order of the Directors,

BANK OF BENGAL, *Calcutta, 9th December 1880.* } J. GORDON, *Chief Acctt. & Depy. Secretary.* R. HARDIE, *Secretary & Treasurer.*

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, received in the Office of the Accountant General, Public Works Department, up to the 4th December 1880.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	Sept. 1880	Nov. 15, 1880
2	Military Works Branch	Do.	Do. 19, „
2	Coorg	Do.	Do. 19, „
4	North-Western Provinces and Oudh.	Do.	Do. 22, „
4	Rajputana	Do.	Do. 22, „
6	Punjab	Do.	Do. 22, „
6	Buildings under Quetta Agency.	Do.	Do. 22, „
7	Hyderabad (Imperial)	Do.	Do. 24, „
7	Central Provinces	Do.	Do. 24, „
8	Rajputana	Do.	Do. 25, „
8	Berars (Hyderabad Assigned Districts.)	Do.	Do. 25, „
11	Bengal	Do.	Do. 26, „
11	Port Blair	Do.	Do. 26, „
13	British Burmah	Do.	Do. 30, „
13	Central India	Do.	Do. 30, „
16	Mysore	Do.	Do. 30, „
17	Madras	Do.	Dec. 4, „
17	Bombay	Aug.	Nov. 6, „

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
	TELEGRAPH DEPT.		
1	Indo-European	Aug. 1880	Nov. 15, 1880
2	Indian	Do. „	Do. 16, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	British Burmah	Sept. 1880	Nov. 13, 1880
2	Punjab	Do. „	Do. 15, „
3	North-Western Provinces and Oudh.	Do.	Do. 22, „
3	Rajputana	Do.	Do. 22, „
5	Bengal	Do.	Do. 26, „
6	Madras	Do.	Dec. 4, „
7	Bombay	Aug.	Nov. 4, „

GUARANTEED RAILWAYS.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	Sept. 1880	Nov. 26, 1880
2	Bengal	Do. „	Do. 29, „
2	North-Western Provinces and Oudh.	Do. „	Do. 29, „
4	Madras	Do. „	Dec. 4, „
5	Bombay	Do. „	Nov. 6, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	Sept. 1880	Nov. 6, 1880
2	Umballa and Kalka	Do. „	Do. 19, „
2	Nalhati	Do. „	Do. 19, „
2	Tirhoot	Do. „	Do. 19, „
2	Patna and Gya	Do. „	Do. 19, „
2	Rajputana	Do. „	Do. 19, „
3	Muttra-Hathras	Do. „	Do. 22, „
3	Cawnpore-Farukhabad	Do. „	Do. 22, „
3	Ghazipur-Dildarnagar	Do. „	Do. 22, „
3	Achnera-Muttra	Do. „	Do. 22, „
3	Lala Moosa-Chak Nizam	Do. „	Do. 22, „
3	Karoli Railway and Pilibhit	Do. „	Do. 22, „
14	Western Rajputana (Northern Section).	Do. „	Do. 24, „
14	Dhond and Manmad	Do. „	Do. 24, „
16	Punjab Northern	Do. „	Do. 25, „
17	Holkar	Do. „	Do. 26, „
17	Indore-Nasirabad	Do. „	Do. 26, „
17	Bhopal	Do. „	Do. 26, „
17	Kandahar	Do. „	Do. 26, „
21	State Railway Stores Branch.	Do. „	Do. 28, „
22	Sindia	Do. „	Do. 29, „
22	Nagpur-Chhattisgarh	Do. „	Do. 29, „
22	Indus Valley	Do. „	Do. 29, „
22	Mysore	Do. „	Do. 29, „
22	Bhownagar and Gondal	Do. „	Do. 29, „
28	Bombay (Eastern Deccan)	Do. „	Dec. 2, „
28	Western Rajputana (Southern Section).	Do. „	Dec. 2, „
29	Calcutta & South-Eastern	Do. „	Do. 4, „
29	Northern Bengal	Do. „	Do. 4, „
31	N.-W. P. Light Railway Surveys.	Do. „	Do. 20, „
32	Bellary and Karwar	Do. „	Nov. 4, „
33	Wardah Coal	Do. „	Dec. 1, „
34	East Indian	July „	Nov. 30, „

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rangoon and Irrawaddy Valley.	Sept. 1880	Nov. 6, 1880
2	Rajputana	Do. „	Do. 22, „
2	Sindia	Do. „	Do. 22, „
2	Dhond & Manmad	Do. „	Do. 22, „
2	Muttra-Hathras	Do. „	Do. 22, „
2	Wardah Coal	Do. „	Do. 22, „
6	Nagpur-Chhattisgarh	Do. „	Do. 25, „
6	Nalhati	Do. „	Do. 25, „
8	Holkar & Sindia-Nimach	Do. „	Do. 26, „
8	Holkar & Sindia-Nimach	Do. „	Do. 26, „
10	Patna and Gya	Do. „	Do. 29, „
10	Punjab Northern	Do. „	Do. 29, „
10	Indus Valley	Do. „	Do. 29, „
13	Tirhoot	Do. „	Do. 30, „
13	Northern Bengal	Do. „	Do. 30, „
14	Calcutta & South-Eastern	Do. „	Dec. 4, „
16	Western Rajputana	Aug. „	Nov. 1, „
17	East Indian	July „	Do. 30, „

J. J. McLEOD INNES, *Colonel, R.E.,*
Accountant General, P. W. Dept.

2 b

FORT WILLIAM, *The 9th December 1880.*

COMPTROLLER GENERAL'S OFFICE.

No. 1813.—*Account of Revenue and Expenditure of the Government of India for the third month of the year 1880-81, as compared with the corresponding period of 1879-80.*

N. B.—Amounts are converted into sterling @ Rs. 10 to the Pound Sterling.

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to June 1879.	April to June 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	6,289,603	6,153,040	...	136,563
II.—Tributes	698,000	178,043	180,811	2,768	...
III.—Forest	688,400	82,713	72,107	...	10,606
IV.—Excise on Spirits and Drugs	2,782,000	708,888	789,383	80,495	...
V.—Assessed Taxes	535,000	305,767	143,785	...	161,982
VI.—Provincial Rates	2,764,000	839,613	819,983	...	19,630
VII.—Customs	2,175,000	549,117	576,437	27,320	...
VIII.—Salt	7,541,000	1,815,617	1,859,506	43,889	...
IX.—Opium	9,410,000	2,385,107	2,418,125	33,018	...
X.—Stamps	3,194,000	828,627	857,612	28,985	...
XI.—Registration	265,000	61,032	76,090	15,058	...
XII.—Mint	196,000	80,689	24,241	...	56,448
XIII.—Post Office	1,008,000	254,676	284,887	30,211	...
XIV.—Telegraph	463,100	57,433	99,197	41,764	...
XV.—Minor Departments	61,700	10,508	14,579	4,071	...
XVI.—Law and Justice	680,000	144,598	149,349	4,751	...
XVII.—Police	232,000	51,355	57,867	6,512	...
XVIII.—Marine	226,000	35,610	42,793	7,183	...
XIX.—Education	137,000	35,088	39,108	4,020	...
XX.—Medical	38,200	16,366	6,174	...	10,192
XXI.—Stationery and Printing	45,000	10,391	13,333	2,942	...
XXII.—Interest	641,000	209,854	161,439	...	48,415
XXIII.—Pensions	291,700	26,561	25,907	...	654
XXIV.—Miscellaneous	262,000	60,608	55,461	...	5,147
XXX.—Gain by Exchange	237,000	—15,277	12,970	28,247	...
TOTAL	56,633,100	15,022,587	14,934,184	...	88,403
XXIX.—Army	800,200	218,982	219,913	931	...
XXVII.—Other Public Works	456,700	70,310	96,633	26,323	...
XXVI.—Irrigation and Navigation	860,200	23,571	39,427	15,856	...
XXV.—Traffic Receipts (Guaranteed Railways) less Gain by Exchange.	7,500,000	2,787,810*	1,751,702	...	1,036,108
XXV.—State Railways	4,720,000	294,473	1,585,623	1,291,150	...
XXVIII.—Provincial and Local Deficits	247,200	1,770	6,386	4,616	...
TOTAL	71,217,400	18,419,503	18,633,868	214,365	...
England, including Army, Public Works Ordinary, &c.	203,800	66,241	17,126	...	49,115
GRAND TOTAL	71,421,200	18,485,744	18,650,994	165,250	...

* Includes £956,664 as traffic receipts for East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 10th December 1880.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

EXPENDITURE.	Estimates, 1880-81.	April to June 1879.	April to June 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	603, 70	703,291	99,521	...
2.—Interest on Service Funds	398,400	51,985	47,012	...	4,973
3.—Refunds and Drawbacks	318,000	79,010	86,162	7,15[illegible]	...
4.—Land Revenue	2,994,400	677,412	669,669	...	7,743
5.—Forest	527,600	70,903	57,192	...	13,711
6.—Excise	111,000	35,531	39,761	4,230	...
7.—Assessed Taxes	20,000	9,645	4,644	...	5,001
8.—Provincial Rates	53,000	8,354	10,694	2,340	...
9.—Customs	204,000	50,272	49,049	...	1,223
10.—Salt	368,000	73,081	80,087	7,006	...
11.—Opium	2,159,500	1,117,728	1,075,120	...	42,608
12.—Stamps	77,500	20,147	20,217	70	...
13.—Registration	166,000	34,833	42,896	8,063	...
14.—Mint	91,500	19,960	17,778	...	2,182
15.—Post Office	1,043,800	251,992	337,100	85,108	...
16.—Telegraph	380,900	87,966	95,004	7,038	...
17.—Administration	1,245,500	304,553	315,480	10,927	...
18.—Minor Departments	415,100	83,074	87,191	4,117	...
19.—Law and Justice	3,350,900	803,480	789,007	...	14,473
20.—Police	2,513,000	582,027	604,584	22,557	..
21.—Marine	419,000	93,770	81,975	...	11,795
22.—Education	1,015,800	222,814	231,114	8,300	...
23.—Ecclesiastical	158,600	38,474	38,545	71	...
24.—Medical	701,400	152,317	151,667	...	650
25.—Stationery and Printing	415,700	72,465	103,838	31,373	...
26.—Political	393,000	84,969	92,000	7,031	...
27.—Allowances	1,824,900	352,824	405,408	52,584	...
28.—Civil Furlough and Absentee Allowances	3,000	749	1,047	298	...
29.—Superannuation	646,300	205,208	260,639	55,431	...
30.—Miscellaneous	243,300	67,918	60,771	...	7,147
31.—Famine Relief	5,000	7,573	76	...	7,497
37.—Loss by Exchange	3,411,000	614,995	856,440	241,445	...
TOTAL	29,044,200	6,879,799	7,415,458	535,659	...
36.—Army	15,171,900	3,306,960	4,305,393	998,433	...
34.—Other Public Works	4,216,500	414,416	299,605	...	114,811
33.—Irrigation and Navigation	1,026,800	151,826	155,518	3,692	...
32.—Working Expenses (Guaranteed Railways) less Loss by Exchange.	4,675,000	959,821*	578,003	...	381,818
32.—Surplus Profits paid to Railway Companies less Loss	450,300	192,071	33,802	...	158,269
32.—Guaranteed Interest in India less Loss	9,000	...	494	494	...
32.—Land and Supervision	69,500	14,469	12,658	...	1,811
32.—State Railways	1,630,200	250,692	1,306,456	1,055,764	...
35.—Provincial and Local Surpluses	129,400	1,234,866	1,245,683	10,817	...
TOTAL	56,422,800	13,404,920	15,353,070	1,948,150	...
England, including Army, Public Works Ordinary, and Guaranteed Interest.	14,579,600	1,861,454	2,764,309	902,855	...
TOTAL	71,002,400	15,266,374	18,117,379	2,851,005	...
38.—*Productive Public Works*— Capital Expenditure in India	2,346,000	544,821	723,542	178,721	...
Ditto ditto in England	966,000	101,126	150,706	49,580	...
TOTAL	3,312,000	645,947	874,248	228,301	...
GRAND TOTAL	74,314,400	15,912,321	18,991,627	3,079,306	...

* Includes £261,112 as working expenses for East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th November 1880.

PARTICULARS.	3½ PER CENT. LOANS.	4 PER CENT. LOANS.									4½ PER CENT. LOANS.											TOTAL AMOUNT.
	Of 1853-54.	Of 1824-25.	Of 1828-29.	Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1866.	Reduced 4 per cent. Loan of 1879.	Of 1870.	Of 1871.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Transfer Loan of 1879, seven Shillings Sterling per cent. Portion.	5 per cent. Debentures 15 years, Re-payable June 1882.	5 per cent. Loan of 1866-67.	5½ per cent. Loan of 1869-70.	
Balance of 31st October 1880	54,100	38,506	3,413	15,30,240	30,46,600	2,37,13,200	1,10,64,800	1,76,94,600	3,01,07,100	45,90,000	4,52,000	92,52,800	8,32,74,600	1,01,700	34,36,000	65,900	62,900	18,84,83,150
Add—																		
Amount enfaced at Madras between 1st and 15th November 1880	...	...	...	...	...	...	...	...	...	...	...	20,000	2,42,000	...	...	...	...	2,62,000
Amount enfaced at Bombay between 1st and 15th November 1880	...	...	...	...	...	...	700	...	6,000	...	...	2,08,000	12,83,000	...	...	...	...	15,01,700
Amount enfaced at Calcutta between 1st and 15th November 1880	...	...	...	...	5,000	4,000	7,000	1,14,000	3,000	...	8,000	70,100	6,53,000	...	...	...	...	8,64,100
	54,100	38,506	3,413	15,30,240	30,51,600	2,37,17,200	1,10,72,300	1,78,08,600	3,01,15,100	45,90,000	4,60,000	95,50,900	8,54,57,600	1,01,700	34,36,000	65,900	62,900	19,11,15,950
Deduct—																		
Amount written off in the London Registers	...	...	...	...	7,000	84,000	63,300	3,94,100	1,56,700	...	...	57,000	7,94,000	...	...	...	12,000	15,68,100
Balance on 15th November 1880	54,100	38,506	3,413	15,30,240	30,44,600	2,36,33,200	1,10,09,000	1,74,14,500	2,99,58,400	45,90,000	4,60,000	94,93,900	8,46,63,600	1,01,700	34,36,000	65,900	50,900	18,95,47,850

NOTE.—From 9th June 1867 to 15th Sept. 1880, enfaced from India, 3,037 lakhs; re-transferred from London, 3,388 lakhs.
" 16th Sept. 1880 to 30th " " " " 19 " " " " "
" 1st Oct. " to 15th Oct. " " " " 10 " " " " "
" 16th " " to 31st " " " " 20 " " " " "
" 1st Nov. " to 15th Nov. " " " " 15 " " " " "
3,388 lakhs.
3,452 "
Balance against London . 546 lakhs.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, 10th December 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
172	... D 10—34924 ...	5	Bindrabun Parwar, Mirzapur.
173	... D 16—18552 ...	10	Baboo Dwarka Nauth Mookerjee, Morar, Gwalior.
174	... D 14—22945 ...	20	P. Garrioch, Esq., Lahore.
29	... D 12—32516 * „ —32517 *	5	The Executive Engineer, P. W. D., Kumaon Division.

* Mismatched.

ALLAHABAD,
The 8th December 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
1880 H163	... M 34—81197 ...	20	Syed Moheydeen, Hyderabad (Deccan.)
M72	... M 45—56413 „ —90717	10	Vishwanath Gopal, Boree Bunder, Bombay.

BOMBAY,
The 7th December 1880.

C. E. CRAWLEY,
Asst. Accountant-General,
in charge of Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
283	... O 91—36721 ...	10	Inspector W. Ferris, Taltollah Thannah, Calcutta.
	„ —36722 ...	10	
	„ —36723 ...	10	
	„ —36724 ...	10	
	„ —86726 ...	10	
	„ —36727 ...	10	
	„ —36728 ...	10	
	„ —36729 ...	10	
	„ —36730 ...	10	
284	... O 69—36482 ...	100	Mr. C. Mourilyan.
	„ —61286 ...	100	
	O 32—07025 ...	50	
285	... O 70—77697 ...	500	Babu Kisto G. Mitter.
287	... O 69—70796 ...	100	Babu Aubinash Chunder Chatterjee.
	O 32—00926 ...	50	
	O 61—84649 ...	20	
	O 38—83820 ...	5	
[illegible]	... O 32—18122 ...	50	Lachmam.
[illegible]	... O 67—84092 ...	100	Babu Taruck Nath Roy.
	O 32—08165 ...	50	
	„ —02498 ...	50	
	„ —01117 ...	50	
	„ —06888 ...	50	
	„ —04781 ...	50	
	O 31—91050 ...	50	
	„ —89547 ...	50	
	„ —79104 ...	50	
290	... O 31—78976 ...	50	The District Superintendent of Police, Julpaigurie.
	„ —78977 ...	50	
	„ —78978 ...	50	
291	... O 69—27763 ...	100	Shew Doyal Gool Raj.
292	... O 69—73508 ...	100	Sergeant Strong.
	„ —73509 ...	100	
	„ —73510 ...	100	
	„ —73511 ...	100	
	„ —73512 ...	100	
	„ —73513 ...	100	

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs.	
292	... O 71—07952 ...	500	Babu Kristomongal Shaw.
294	... O 58—82623 ...	20	Babu Ashootosh Bose.
295	... L 23—82554 ...	5	Busiruddeen Mohamed.
200	... O 57—66102 „ —66103	20	Babu Raghoo Nath Bysack.
	O 42—79193 „ —79192	10	
202	... O 84—69688 „ —69689	10	Babu Nobodip Chunder Dutt.

CALCUTTA,
The 10th December 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 13—07994 ...	20	Executive Engineer, Department of Public Works, Coimbatore.
J 12—06844 ...	50	Mr. G. J. D'Mello, Calicut.

NOTES PARTIALLY LOST OR DESTROYED.

	Rs.	
J 10—39568 ...	100	S. V. Mootha Chetty, Caroor.
J 4—95395 ...	50	S. Arabe Sahib, Trichengode.
J 9—48785 ...	10	Mr. B. A. Dumply, Vythery.
J 5—97879 ...	20	
J 13—00576 ...	20	Mr. J. H. D'Silva, Bombay.

CALICUT,
The 1st December 1880.

———,
Depy. Collr., in charge of Paper Currency.

Coconada Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
I 10—31549 ...	10	Pakki Venkata.
I 12—21432 ...	50	Ramadass of Parvattipúr, Vizagapatam District.

COCONADA,
The 29th November 1880.

E. G. RICKETTS,
Depy. Collector.

Kurrachee Circle.

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
G 10—54401 ...	100	Mr. R. N. Hodges, Executive Engineer, Kandahar State Railway, Sibi.
„ —54400 ...	100	
„ —54132 ...	100	
„ —54133 ...	100	
G 14—59274 ...	10	Mrs. J. Coleman, Bombay.
G 8—60725 * „ —60278	20	Bhojoomul Teerutmul, of Bhian, Sind.
G 13—48799 * „ —48792	5	Mr. H. F. Pinhey, Assistant Superintendent, Government Telegraph Office, Karachi.

* Mismatched.

KURRACHEE,
The 27th November 1880.

W. PATTON,
Asst. Depy. Commr., P. C., S. C.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
102	... E 15—75417 ...	50	The Commissioner of Police, Calcutta.
	„ —75471 ...	50	
103	... E 2—47534 ...	500	Boo Ali, through Munshi Mehtab Deen, care of Hafez Abdool Kadar, Merchants, Lahore.
	E 13—72100 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
37	... E 16—53034	10	Ajoodhia Put, Treasurer, Gujranwala.
	„ —53035		
132	... E 16—97583 ...	10	J. Kelly, Esq., Lahore.
	E 15—49012 ...	50	
161	... E 1—45507 ...	1,000	Goor Narain, Gomasta, Thull.
166	... E 13—81746 ...	100	W. M. Sherer, Esq., Ghazipur.
160	... E 16—92964 ...	10	C. Tickell, Esq., Assistant Engineer, Meean Meer.

LAHORE,
The 4th December 1880.

C. G. VANSITTART,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
74	... B 57—95321 ...	20	Sergeant Alfred Ablitt, 67th Regiment, Bangalore.
75	... B 57—72851 ...	20	Pitchviengar, Record-keeper, Deputy Collector and Manager's Office, Ramnad.
	„ —80820 ...	20	
	B 62—08213 ...	100	
	„ —80269 ...	100	
	„ —85639 ...	100	
	„ —90487 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
151	... B 61—44771 ...	50	Mr. L. A. McKenzie, No. 14, Francis Joseph Street, Madras.
152	... B 60—94445 ...	10	Mrs. A. Simpson, Bishop's Lane, Purasewalkum, Madras.
	B 57—94555 ...	20	
153	... B 57—61015 ...	20	G. Ramaswami Aiyangar, Chickmuglur, Mysore Province.
	B 62—61799 ...	100	
154	... B 46—22969 ...	5	Mr. W. C. McMahon, Reserve Inspector of Police, South Arcot District.
21	... B 57—73373 *	20	Aga Jan Shirazi Namazi, No. 232, Ungappa Naick Street, Black Town, Madras.
	„ —73372		

* Wrongly joined.

FORT SAINT GEORGE,
The 29th November 1880.

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept., for *Commissioner.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 7th December 1880.

No. 9677.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, MADRAS.

Mr. P. Barboza, Postmaster, Vizagapatam, has been appointed to act as Superintendent of Post Offices, Vizagapatam Division, *vice* Mr. Walker, on leave.

Mr. H. Smith, Superintendent of Post Offices, Trichinopoly Division, has been transferred to the Coimbatore Division.

Mr. A. Rhenius, Postmaster, Ootacamund, has been appointed to act as Superintendent of Post Offices, Kistna Division, *vice* Mr. Daws.

Mr. E. M. Daws, Superintendent of Post Offices, Kistna Division, has been transferred to the Trichinopoly Division.

POSTAL CIRCLE, BOMBAY.

Mr. A. F. Ingle, 1st Class Marine Officer, has been appointed to act as Deputy Postmaster, Bombay General Post Office, *vice* Mr. Row, on deputation.

Mr. M. F. Ingle, 3rd Class Marine Officer, has been appointed to act as 1st Class Marine Officer, *vice* Mr. A. F. Ingle, on deputation.

Mr. G. A. T. Bennett, Supernumerary Mail Officer, has been appointed *sub pro tem.* 2nd Class Mail Officer, *vice* Mr. Todd, on deputation.

Mr. C. H. Watts has been appointed to act as 3rd Class Marine Officer, *vice* Mr. M. F. Ingle, on deputation.

POSTAL CIRCLE, CENTRAL PROVINCES.

Mr. F. Whymper and Mr. C. H. Lane have been appointed to be Examiners of Post Office Accounts.

Lala Girdhari Lal has been appointed to be Superintendent of Post Offices, Wardha Division.

Mr. R. S. Burns, Superintendent of Post Offices, Wardha, has been transferred to the Nagpur Division.

Mr. G. Stanyon has been appointed to be Superintendent of Post Offices, Hoshangabad Division.

POSTAL CIRCLE, NORTH-WESTERN PROVINCES.

Mr. J. W. Welsh and Lalla Sambhunath have been appointed to be Examiners of Post Office Accounts.

Mr. G. E. Rose has been promoted to the 3rd Grade of Superintendents.

Mr. R. E. Grainger has been appointed to be Superintendent of Post Offices, Fatehgarh Division.

Pundit Koer Pal has been appointed to act as Superintendent of Post Offices, Jhansi Division.

Mr. H. H. Jehans has been appointed to be Postmaster, Cawnpore.

Pundit Saligram has been appointed to act as Superintendent of Post Offices, Gorakhpur Division.

Lala Brij Lal, Superintendent of Post Offices, Fatehgarh Division, has been transferred to the Benares Division.

E. R. DOUGLAS,
Depy. Dir. Genl. of the Post Office of India.

The 10th December 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	18th Dec.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	13th „	Str. *Chinsura.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	14th „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	15th „	From Bombay.*
Do. Book Post and Pattern Packets	6 „	14th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	16th „	Str. *Baghdad.*
Chittagong, Akyab, Kyouk Phyoo and Rangoon	6 „	17th „	Str. *Meâina.*
Madras, Ceylon, Batavia, Singapore and China	6 „	11th „	French Str. *Meinam.*
Straits and Hong-Kong	6 „	17th „	Strs. *A. Apcar* and *Suez.*
Persian Gulf	6 „	11th „	From Bombay.

* Also *viâ* Aden for Zanzibar, Mozambique, Natal, and the Cape of Good Hope; also *viâ* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Be and Réunion can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 10th December 1880.

Adams, Mrs. E. S.
Arnovits, B.
Aspa, A. G.
Baker, J.
Ballantine, D.
Barnard, Mrs. E.
Barnby, J.
Beist, H.
Blackburn, Hugh.
Booth, G. H.
Broadbent, Miss S. E.
Cheke, A. J.
Craik, James.
Dale, Surgeon A. F.
Dawes, H.
Fagan, H.
Fitzgerald, Mrs. A.
Graves, H.
Green, Randal S.
Hallett, James.
Hayes, Mrs.
Hurro Lall Roy.
John, Geo.
Johnstone, W.
Keane, R.
Maundrell, A. W. L.
McDonald, Samuel.
McDougal, A. C.
Moon, Mrs.
Mullane, Mrs. E.
O'Connor, D.
Palmer, Mrs. M.
Rebeiro, Miss C.
Smith, R. J.
Spalding, Mrs. W. H.
Spurgeon, J. S.
Stephens, C. L., Rev.
Taylor, T. F.
Tonnet, Thonny.
Vellamil, R. de Monsieur.
Wade, A. F. S.
Youngman, Messrs.

Letters marked "Care of Post Office, to be kept till called for."

Amey, Mrs. A. W.
Ashton, Captain Sam.
Blackton, T. W.
Blair, T.
Brown, A. W.
Brundage, J. D.
Byrne, Joseph.
Byron, E. C. A.
Caller, Monsieur L.
C. W. S.
Canham, John.
Cavanagh, J.
Clarke, Lt., 29th Regt. Foot.
Constantine, Courrier Geo.
Coote, Waller.
Cotton, C. B.
Crafter, Geo.
D'Osmond, Le Comte O.
Dunnect, Mrs. E.
Dunsford, R. C.
Dykes, Ballantine.
Gibbons, E. J.
Gibbons, Rev. B.
Gilbert, Benjn. (Gunner.)
Godlu, Francis.
Greene, Dr. J. S.
Griffin, W. H.
Guider, D.
Harford, J.
Hornby, Mrs. L.
Jackson, R. A.
Kaiser, Mr.
L. H.
Landfield, F.
Lindesay, Harris M.
Marchant, Miss M. R.
Mecredy, James McG.
Moolla, Monsieur N. J.
M. K. W.
Pearson, Lewie.
Phelps, Mrs. C. Harris.
Pimm, R. A. F.
Quinlan, Rev. A. W. R.
Rae, William.
Rishworth, J.
Schore, T. C.
Sinclair, J. L.
Slade, G.
Stevens, C.
Tapper, J.
Tarring, C. J.
Thomas, Miss.
Thompson, C.
Tregido, S.
Tupper, W.
Warde, Mrs.
Walton, William.
Wilson, Alex. S.

Newspapers.

Buchanan, Beverley.
Brooks, F. G.
Byron, E. C. A.
Cameron, Keith R.
D'Osmond, Le Comte.
Edward, George.
Fitzsimmons, John.
Griffin, W. H.
Miller, Captain William.
Moolla, Monsieur N. J.
Morton, M.
O'Brien, S. H. G.
Sale, M.
Usborne, W.

Registered Letters.

Hannah, Miss F. J.
Hector, Mrs. Bertha.
Marchant, Miss M. R.
Rosa, Lorenzo.

E. C. GEORGE,
Presidency Post Master.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 7th February 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed *before the 15th of January 1881.* Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

The following are the centres of examination sanctioned by the Government of India as stations where candidates for 4th Grade Accountantships are to appear for examination :—

Agra, Ahmedabad, Ajmere, Akyab, Allahabad, Boloram, Durbhanga, Howrah, Indore, Jabalpore, Lahore, Lucknow, Meerut, Mhow, Mooltan, Mount Aboo, Nagpore, Neemuch, Rangoon, Rawalpindi, Saidpore, Shillong and Simla.

Candidates for the Accountants' examination are therefore requested to select one of the places mentioned above.

S. F. DOWNING,
Principal, Govt. Engrg. College, Howrah.

The 8th December 1880.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا كوئينائين كے خوب قايم مقام هى اور كلكته كے بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے هرايك ملازم سركاري واسطے سركاري كام اور خيرات كے اور سيواے اونكے جو كوئي ايك مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس كے ٹين كا چار روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا آٹهه روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانكل گارڈن يعنے كمپني باغ كے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد كرسكتے هين يعنے نرخ چار اونس ٹين كا پانچ روپيه آٹهه آنه ; آٹهه اونس كے ٹين كا دس روپيه آٹهه آنه ; ايك پونڈ كے ٹين كا بيس روپيه ٬

يهه دوا كلكته كے بڑے بڑے ولايتي اور ديسي دواخانونمين بكتي هى ماسيواے قيمت مذكورۂ بالا كے محصول ڈاك چار اور آٹهه اونس كے ٹين كا آٹهه آنه ; اور ايك پونڈ كے ٹين كا باره آنه ٬

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AT

NARORA, NEAR RAJGHAT,

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			Rs.	
Bull's Dredgers .	39	1½ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2½ ditto .	65	
Ditto . .	9	6 ditto .	120	
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Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

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The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

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Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
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Meteorological Reporter to Government of India.

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The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set:

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Orders and Subscriptions for 1878 should be at once remitted.

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Corrected to 30th September 1880.

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☞ *The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.*

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 18, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

From the 27th November next till further notice the entire *Gazette of India*, with the Supplement, will be published at Calcutta. After the 20th November, all Notifications and other matter intended for publication in the Gazette should be addressed to the Publisher, 8, Hastings Street, Calcutta.

NOTIFICATION.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the public service should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance.*

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Subscription for *Gazette* and Supplement per annum	15	0	0
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For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	8	0

Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 10th December 1880.

The Honourable the Chief Justice has, with the approval of His Excellency the Governor General in Council, made the following appointments during the absence on privilege leave of Mr. C. T. Davis, Chief Clerk, or until further order:—

Mr. W. R. Fink, Assistant Registrar, to officiate as Chief Clerk.

Mr. S. Tremearne, Clerk and Private Secretary to the Chief Justice, to officiate as Assistant Registrar.

Baboo Grees Chunder Bonnerjee, Assistant Clerk, to officiate as Clerk and Private Secretary to the Chief Justice.

By Order,
R. BELCHAMBERS,
Registrar.

NOTICE TO MARINERS.

No. 20 of 1880.

MALAY PENINSULA—WEST COAST, MALACCA STRAIT.

Intermittent Flashing Light on Pulo Undan.

The Master Attendant, Singapore, has given notice that on and after the 1st of December 1880, an intermittent flashing light would be exhibited from a light-tower on Pulo Undan, or Outer Water Island, situated 10 miles S. E. by S. of Malacca flagstaff.

The light is an intermittent flashing light, shewing intervals of ten and twenty seconds, elevated 155 feet above the sea, and should be visible in clear weather in every direction seaward, from a distance of 20 miles.

The light-house—built on the summit of the island, which is 100 feet high—is a square, two-storied structure, with an octagonal tower in the centre, on which the lantern is placed; the tower and balcony of the upper story are painted red; the remainder of the building is white.

The illuminating apparatus is of the third order.

Position as given: Latitude 2° 3′ 0″ N.; Longitude 102° 20′ 3[illegible]″ E.

NOTE.—The fixed light at present exhibited from the tower on St. Paul's Hill, Malacca, will be continued as a harbour light until further notice.

By Direction of the Government of India,
A. DUNDAS TAYLOR, *Comdr. (late I.N.), Superintendent, Marine Survey of India.*

Calcutta,—Marine Survey Department; *The 8th December 1880.*

This Notice affects the following:—

BRITISH ADMIRALTY Charts, Nos. 795*b*, 1355 and 748*b*; China Sea Directory, Vol. I, 1878, page 79; and Light List for 1880.

INDIAN MARINE SURVEY Light List for 1880.

If this Notice is received on boardship, the substance of it should be inserted on the Charts affected by it, and introduced into the Sailing Directions to which it relates.

SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 14th December 1880.

No. 201.—In continuation of Notification No. 189, dated the 27th August last, Mr. H. Corkery, Assistant Surveyor, 3rd Grade, is granted an extension of privilege leave for nine days, from the forenoon of the 3rd October last.

J. T. WALKER, *Major-Genl., R.E., Surveyor General of India.*

REVENUE BRANCH, SURVEY OF INDIA.

NOTIFICATION.

Calcutta, the 17th December 1880.

ERRATUM.—In Notification No. 11, dated 21st October 1880, published in the *Gazette of India* No. 43, dated 23rd October 1880, Part II, page 573, granting three months' privilege leave to Mr. H. R. Littlewood, Surveyor, 3rd Grade, *for* "from forenoon of the 1st September 1880," *read* "from forenoon of the 2nd September 1880."

J. SCONCE, *Lieut.-Col., Deputy Surveyor General.*

ACCOUNTANT GENERAL'S OFFICE, Public Works Department.

NOTIFICATION.—ESTABLISHMENT.

Fort William, the 17th December 1880.

No. 11.—Mr. R. G. Macdonald, Assistant Accountant General, returned from the three months' privilege leave granted him in Government of India, Public Works Department, Notification No. 251, dated 3rd August 1880, and resumed charge of his duties on the forenoon of the 24th November 1880.

J. J. McLEOD INNES, *Colonel, R.E., Acctt. Genl.*

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 10th December 1880.

Offices opened and closed during the month of November 1880:—

Name of Station.	Where situated.	Date.	REMARKS.
Bhorpatar	Assam	30th	Closed.
Birman Ghât	Central India	25th	Opened.
Hassan Abdul	Punjab	21st	Closed.
Kalka	Ditto	30th	Ditto.
Parell	Bombay Presdy.	23rd	Opened.
Saugor	Central India	6th	Re-opened.

R. MURRAY, *Colonel, Dir. Genl. of Tels. in India.*

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Sibi, the 10th December 1880.

No. 16.—Major M. J. Macartney, R.E., Executive Engineer, 1st Grade, made over, and Lieutenant J. Kellie, R.E., Executive Engineer, 4th Grade (temporary rank), received, charge of the Office of Executive Engineer, Peshin Division, on the afternoon of the 16th November 1880.

Major Macartney reported his arrival at Sibi on the afternoon of the 24th November 1880, and was attached to the Superintending Engineer's Office for special duty till further orders.

T. F. DOWDEN, *Major, R.E., Offg. Secy. to Agent to Govr. Genl. for Biluchistan, P. W. Dept.*

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 11th December 1880.

No. 24.—Mr. F. W. M. Scott, Assistant Engineer, 2nd Grade, appointed to Central India by Government Notification No. 328 of 12th October last, having reported himself at Indore on 29th October last, has been posted to Neemuch Division.

No. 25.—Mr. C. E. Gael, Executive Engineer, Neemuch Division, has been granted one month's privilege leave of which he availed himself from the forenoon of 15th November 1880, making over charge of Office to Mr. F. W. M. Scott, Assistant Engineer, 2nd Grade.

No. 26.—Baboo Gyan Chunder Roy, Assistant Engineer, 2nd Grade, and Pundit Sham Nath, Assistant Engineer, 3rd Grade, were relieved of their duties in Central India on the afternoon of 23rd and 27th November 1880, respectively, with reference to Government Notification No. 385, dated 16th November 1880, placing their services temporarily at the disposal of Government, North-Western Provinces.

No. 27.—Mr. C. Von Ahn, Assistant Engineer, 1st Grade, having returned from eighteen months' furlough on the 27th November 1880, has been re-posted to Northern Road Division.

By Order,
C. S. THOMASON, *Lieut.-Col., R.E., Secy. to Agent, Govr. Genl., for Central India.*

AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 6th December 1880.

No. 1993.—Lieutenant C. W. Ravenshaw, Cantonment Magistrate, Neemuch, is granted two months' privilege leave from the 15th December 1880, or from such date as he may avail himself of the same.

The 8th December 1880.

No. 2004.—This Office Notification No. 1207, dated Indore Residency, the 21st July 1880, is cancelled.

No. 2005.—Major H. M. B. Burlton, Cantonment Magistrate, Mhow, is granted three months' privilege leave from the date in August on which he may avail himself of the same.

No. 2006.—With reference to No. 2005, dated 8th December 1880, Major H. M. B. Burlton availed himself of three months' privilege leave on 28th August 1880, and resumed charge of his duties as Cantonment Magistrate, Mhow, on the forenoon of 29th November 1880.

By Order,
D. W. K. BARR, *1st Asstt. to the Agent, Govr. Genl., for Central India.*

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Presidency & Oudh Command.

Lucknow, the 14th December 1880.

No. 19.—With reference to Inspector General Military Works' Notification No. 74, dated the 11th November 1880, Captain G. T. Maitland, S.C., Executive Engineer, 2nd Grade, reported his arrival at Barrackpore on the forenoon of the 4th instant, and took over charge of the Barrackpore Division, Military Works, from Mr. J. D. Davies, C.E., Assistant Engineer, 1st Grade, on the afternoon of the 7th idem.

W. R. TUCKER, *Lieut.-Colonel, R.E., Supdg. Engr., Presidency & Oudh Command, Military Works.*

Rawalpindi Command.

Rawalpindi, the 9th December 1880.

No. 2867.—With reference to Inspector General of Military Works' Notification No. 73, dated the 6th November 1880, Lieutenant T. P. Cather, R.E., Assistant Engineer, 1st Grade, joined the Rawalpindi Command, Military Works, on the forenoon of the 29th November 1880, and is posted to the Peshawar Division, Military Works, which he joined on the forenoon of the 6th November 1880.

THOMAS C. MANDERSON, *Major, R.E., Offg. Supdg. Engr., Rawalpindi Command, Military Works.*

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATIONS.

Calcutta, the 15th December 1880.

Lieutenant F. Beauclerk, R.E., Deputy Examiner of Railway Accounts, Calcutta, was relieved of his duties on the afternoon of the 11th December 1880.

With reference to the Notification of the Government of India, Public Works Department, No. 404, dated the 8th instant, Mr. R. A. English, Assistant Examiner, 1st Grade, joined the Office of the Examiner of Railway Accounts, Calcutta, on the forenoon of the 13th December 1880.

The 17th December 1880.

With reference to the Notification of the Government of India, Military Department, No. 593, Captain W. H. Johnstone, R.E., Executive Engineer, 3rd Grade, Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, was relieved of his duties on the afternoon of the 17th December 1880.

R. DEBOURBEL, *Lieut.-Col., R.E., Consulting Engr. to Govt. of India for Guaranteed Railways.*

Lahore, the 9th December 1880.

No. 32.—With reference to Government of India, Public Works Department, Notification No. 391, dated 1st December 1880, Captain M. C. Brackenbury, R.E., Executive Engineer, 3rd Grade, reported his arrival at Lahore on the forenoon of the 18th November 1880.

J. G. MEDLEY, *Colonel, R.E., Consulting Engr. to Govt. of India for Guaranteed Railways.*

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 17th December 1880.

No. 177.—With reference to Public Works Department Notification No. 418, dated 15th December 1880, Mr. E. Behrmann, Assistant Engineer, 1st Grade, is posted to the Kandahar State Railway, Upper Section.

J. S. TREVOR, *Major-Genl., R.E., Director General.*

BHOPAL STATE RAILWAY.

NOTIFICATION.

Hoshangabad, the 8th December 1880.

No. 11.—With reference to Director General of Railways' Notification No. 146, dated 23rd October 1880, Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade, joined this Railway on the afternoon of 27th November 1880, and is temporarily posted to the Engineer-in-Chief's Office, until further orders.

H. T. GEOGHEGAN,
Engineer-in-Chief.

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari, the 1st December 1880.

No. 66.—Major E. N. Peters, R.E., Executive Engineer, 2nd Grade, reported arrival, on the forenoon of 15th November 1880, from the privilege leave granted him in Notification No. 57, dated 9th November 1880.

No 67.—CORRIGENDUM.—In this Office Notification No. 46, dated 17th September 1880, for the words "forenoon of the 6th August 1880," read "forenoon of the 9th August 1880."

No. 68.—In continuation of this Office Notification No. 38, dated 13th August 1880, Captain F. W. Joseph, B.S.C., Executive Engineer, 2nd Grade, is posted to the Survey Division.

No. 69.—CORRIGENDUM.—In this Office Notification No. 43, dated 2nd September 1880, notifying date of Captain F. W. Joseph's relief, for the word "forenoon," read "afternoon."

No. 80.—With reference to Director General of Railways' Notification No. 150, dated 29th October 1880, and in continuation of this Office Notification No. 59, dated 9th November 1880, the under-mentioned Officers are posted to the Survey Division of the Upper Section:—

Captain W. W. B. Whiteford, R.E., Executive Engineer, 4th Grade.

Lieutenant C. F. Fuller, R.E., Executive Engineer, 4th Grade (temporary rank).

Lieutenant W. W. Robinson, R.E., Executive Engineer, 4th Grade (temporary rank).

Lieutenant G. Davidson, Assistant Engineer, 1st Grade.

Lieutenant J. Neville, R.E., Assistant Engineer, 1st Grade.

Lieutenant S. A. Hickson, R.E., Assistant Engineer, 1st Grade.

No. 81.—With reference to Public Works Department Notification No. 358, dated 3rd November 1880, Mr. E. R. S. Lloyd, Assistant Engineer, reported his arrival on the forenoon of 17th November 1880, and is posted to the Nari Division.

J. G. LINDSAY, *Lieut.-Col., R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Open Line.

NOTIFICATION.

Lahore, the 9th December 1880.

No. 35.—With reference to Director General of Railways' Notification No. 170, dated 24th November 1880, Lieutenant J. Burn-Murdoch, R.E., Assistant Engineer, was relieved of his duties on this line on the afternoon of 3rd December 1880.

E. L. MARRYAT, *Major, R.E.,*
Manager.

PUNJAB NORTHERN STATE RAILWAY, Pindi Junction to Peshawar Section.

NOTIFICATIONS.

Rawalpindi, the 6th December 1880.

No. 44.—With reference to Director General of Railways' Notification No. 131 of 28th September 1880, Mr. O. J. Shedlock, Assistant Engineer, 2nd Grade, was relieved of his duties on the Pindi Junction to Peshawar Section, Punjab Northern State Railway, on forenoon of 12th August 1880.

The 11th December 1880.

No. 45.—Referring to Director General of Railways' Notification No. 168 of 23rd November 1880, Mr. H. B. Molesworth, Assistant Engineer, 1st Grade, reported his arrival at Rawalpindi on the afternoon of 29th November 1880, and is posted to the Attock Bridge Division.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act VI of 1878, that, on or about the 14th September 1880, treasure, consisting of articles as per margin, of the aggregate value of about Rs. 41, was found in the Gáothán of Monje Dhaoli, in Taluka Tasgaon, of the Satara Collectorate, in the Bombay Presidency.

Hukeri . .	Rs. 38
Belapuri . .	„ 3
TOTAL .	„ 41

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Satara, at his Office at Satara or in the District, on Monday, the 6th June 1881, in order that the claim may be enquired into and determined in accordance with the provisions of the above-said Act.

T. H. STEWART,
Collector.

SATARA DISTRICT,
The 4th December 1880.

COMPTROLLER GENERAL'S OFFICE,—Treasury Account Branch.

NOTIFICATION.

Calcutta, the 11th December 1880.

The following Account is published in accordance with the Law :—

Account of the Profits of the Currency Note Circulation and of the Charges and Expenses incidental thereto during the year 1879-80, or from April 1879 to March 1880, made up as required by Section 20 of the Indian Paper Currency Act, 1871.

Dr.

CHARGES AND EXPENSES.	Rs.	A.	P.
Salaries of Commissioners and Assistant Commissioners, &c.	40,227	6	9
Establishment	1,62,064	10	6
Temporary Establishment	11,289	4	6
Travelling Allowance	101	1	3
Charges for Remittance	3,380	12	1
Stationery	1,995	14	7
Printing Charges	1,633	5	10
Service Telegrams	1,596	0	0
Purchase of Service Postage Stamps	1,491	8	0
House, Lighting, Police and Water Rates	5,646	5	0
Cost of Note Forms	70,314	8	8
⅓ Freight on Europe Stores	44	9	4
Pensions and Gratuities	4,238	15	1
Cost of Repairs, &c., to Currency Buildings	5,279	9	2
Cost of Chests, Bags and Locks	2,800	10	2
Dead Stock (Cost of Office Furniture, &c.)	1,427	6	11
Contingencies	8,773	15	3
Commission, &c., for selling Government Securities	1,471	14	0
Compensation for Dearness of Provisions	24	0	0
	3,23,801	13	1
Profit of the Currency Department for 1879-80	24,73,023	13	0
RUPEES	27,96,825	10	1

Cr.

RECEIPTS.	Rs.	A.	P.
Interest on Government Securities	27,84,367	7	11
Premium on Bills	11,263	12	0
Miscellaneous Receipts	1,194	6	2
RUPEES	27,96,825	10	1

E. E.,
J. WESTLAND,
Offg. Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 14th December 1880.

LIABILITIES.	Rs.	A.	P.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	22,89,209	0	0
Public Deposits at Head Office (Rs. 88,45,258 6 5)	1,67,61,593	14	9
Public Deposits at Branches (Rs. 79,16,335 8 4)			
Other Deposits at Head Office and Branches	4,74,43,521	14	0
Bank Post Bills, &c.	2,56,040	14	1
Sundries	13,75,531	3	3
RUPEES	8,81,25,896	14	1

ASSETS.	Rs.	A.	P.
Government Securities	1,34,33,521	8	0
Loans on Government Securities, &c., at Head Office and Branches	56,28,770	0	10
Accounts of Credit on Government Securities, &c., at Head Office and Branches	37,53,695	11	0
Bills discounted and purchased at Head Office and Branches	1,66,68,176	0	5
Balances with other Banks	3,81,271	12	3
Bullion	44,214	5	11
Dead Stock	11,04,240	15	9
Stamps	7,724	14	0
Sundries	3,73,530	2	10
	4,13,95,145	8	0
Cash and Currency Notes at Head Office (Rs. 2,53,97,547 1 3)	4,67,30,751	6	1
Cash and Currency Notes at Branches (Rs. 2,13,33,204 4 10)			
RUPEES	8,81,25,896	14	1

By order of the Directors,

J. GORDON,
Chief Acct. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

BANK OF BENGAL,
Calcutta, 16th December 1880.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Dec. 6	87,151	...	...	87,151	28,35,515	16,47,569
„ 7	...	...	...	87,151	28,35,515	16,47,569
„ 8	...	...	...	87,151	28,35,636	16,47,569
„ 9	...	...	...	87,151	28,35,332	16,47,569
„ 10	...	...	...	87,151	28,35,316	16,47,569
„ 11	...	...	92,779	61	29,22,104	17,34,657

CALCUTTA MINT, *The 13th Dec. 1880.* } J. F. TENNANT, *Col., R.E., Mint Master.*

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 16th Dec. 1880 ... Rs. 56,66,591-13-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA, *The 17th December 1880.*

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
175	D 14—46881	20	Mr. M. M. Chill, Allahabad.
176	D 14—46978	20	Mr. A. Lumsden, Lucknow.
	„ —46979	20	
177	D 10—40087	5	Assistant Director General of the Post Office of India, Calcutta.
	„ —40088	5	
	„ —40090	5	

ALLAHABAD, *The 15th December 1880.*

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1880.		Rs.	
W65	M 50—86353	10	N. Xavier, Poona.
	„ —89576	10	

NOTES PARTIALLY LOST OR DESTROYED.

1880.		Rs.	
H164	M 43—58287	100	Rowji Raghowji Joshi, Bhewndi, Tanna.
	„ —68010	100	
	M 46—53838	50	
H165	M 53—15858	20	Postmaster General, N.-W. P., Allahabad.
H167	C 89—98907	10	Assistant Director General of Post Office of India, Calcutta.
	M 2—96416	5	
M73	M 52—26841	10	Furdonji Dhunjisha, Satara.
	„ —26844		

BOMBAY, *The 14th December 1880.*

C. E. CRAWLEY,
Asst. Accountant-General.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
293	O 61—34162	20	The Post Master, Calcutta.
	O 60—46044	20	
	O 81—06546	10	
294	O 63—39235	20	The Post Master General, Bengal.
	„ 39236	20	
295	O 69—58395	100	Abdul Jaleel.
296	O 69—42309	100	Babu Radhajeebun Mukerjee.
297	O 75—46856	10	The District Superintendent of Police, Nuddea.
298	O 74—25569	1,000	Mr. F. F. Chrestien.
299	O 66—27541	100	Nundo Lal Babu.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
296	L 35—28784	10	The Assistant Director General of the Post Office of India.
297	O 76—21890	10	Babu Bishunpodo Banerjee.
298	O 53—28493	10	Babu Kisory Mohun Ghose.
299	O 90—09920	10	Babu Umes Chunder Roy.
	„ —38769	10	
	„ —99659	10	
300	L 56—57203	5	Nazaff Ali.
301	O 59—53336	20	Babu Sital Pershad.
302	O 77—50799	10	Mr. D. H. K. Moses.
	O 37—66201	5	
303	A 98—03132	10	Babu Nobinchunder Bose.
	A 96—38531	10	
203	O 38—05415	5	Dr. R. C. Chandra.
	„ —05413		

CALCUTTA, *The 17th December 1880.*

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	Rs.	
J 13—07994	20	Executive Engineer, Coimbatore.
J 12—06844	50	Mr. Geo. D'Mello, Calicut.
J 8—16187	5	P. P. Karunakara Menon, Calicut.
„ —16844	5	

CALICUT, *The 8th December 1880.*

———,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
104	E 10—62649	10	Inamullah, District Inspector of Schools, Kurnal.
	„ —95260	10	
	„ —84262	10	
	E 16—33615	10	
	„ —44276	10	
105	E 18—07676	10	Ganesh Das, Clerk, Audit Office, S. P. and D. Railway, Lahore.
	E 16—94005	10	
	E 17—51953	20	
	„ —51995	20	
	E 12—32453	20	
106	E 18—13936	10	Sergeant J. Garner, Peshawar.

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
173	E 16—30919	10	Lal Shah, Rawalpindi.
170	E 16—93665	10	Sardar Bhugwan Singh, Umritsur.
	„ —93666	10	
152	E 16—70998	10	Attaullah Khan, Kardar, Kohat.
	E 17—39356	20	
	„ —39361	20	
	E 15—72052	50	
	E 13—82146	100	

LAHORE, *The 10th December 1880.*

H. J. BRERETON,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
77	B 46—98966	5	W. Ramaswami Aiyer, Sub-Registrar, Tenkasi, Tinnevelly District.
79	B 45—00840	1,000	Manika Gopala Kristna Chetti, Madura.
80	B 66—41169	100	Abdul Kareem Sahib, Bellary.
	„ —41171	100	
81	B 56—80512	10	Hafiz Sahib & Co., Mercara.
	B 60—94410	10	

NOTES PARTIALLY LOST OR DESTROYED.

		Rs.	
155	B 62—07059	100	Y. Egambara Reddi, Bamboo Merchant, No. 55, Poonamallee Road, Madras.
	„ —25187	100	
	„ —53950	100	
	„ —55246	100	
	„ —60658	100	
	„ —82057	100	
	„ —92614	100	
	B 66—00011	100	
	„ —02406	100	
	„ —02415	100	
	„ —02924	100	
	„ —02991	100	
	„ —18804	100	
	„ —18805	100	
	„ —18806	100	
	„ —20827	100	
	„ —22575	100	
	„ —23038	100	
	„ —23190	100	
	„ —26577	100	
	B 29—95469	1,000	
156	B 60—30268	10	A. Mathwa Rao, No 125, Matharaja Mahal Street, Coimbatore.
	B 57—59578	20	
157	B 56—07871	10	John Bradshaw, Esq., Salem.
	„ —94959	10	
	B 60—01736	10	
	„ —04917	10	
158	B 66—33481	100	Thatha Meah, Mercara.
	„ —33515	100	
	„ —37269	100	

FORT SAINT GEORGE, *The 6th December 1880.*

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 15th December 1880.

No. 10081.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, MADRAS.

Mr. T. C. D'Rozario has been appointed to act as Superintendent of Post Offices, Calicut Division, *vice* Mr. C. Smith.

POSTAL CIRCLE, BOMBAY.

Mr. H. J. Hewett has been appointed to act as 1st Class Marine Officer, *vice* Mr. A. F. Ingle, on deputation.

Mr. M. F. Ingle, 3rd Class Marine Officer, has been appointed *sub pro tem.* Marine Officer, 2nd Class, *vice* Mr. Todd, on deputation.

Mr. G. A. T. Bennett, Supernumerary Marine Officer, has been appointed to act as Marine Officer, 3rd Class, *vice* Mr. M. F. Ingle, on deputation.

G. J. HYNES,
Asst. Dir. Genl. of the Post Office of India.

The 17th December 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1880.	
Persian Gulf	6 P. M.	25th Dec.	From Bombay.
Madras, Ceylon and the Intermediate Ports	6 „	20th „	Str. *Rajpootana.*
Madras and Ceylon	6 „	20th „	P. and O. Str. *Australia.*
Foreign Mails *viâ* Bombay	6 „	22nd „	From Bombay.
Do. Book Post and Pattern Packets	6 „	21st „	From Bombay.
Rangoon, and Moulmein	6 „	23rd „	Str. *Purulia.*
Chittagong, Akyab, and Rangoon	6 „	24th „	Str. *Busheer.*
Persian Gulf	6 „	18th „	From Bombay.
Port Blair and Camorta	6 „	24th „	Str. *Satara.*

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

E. C. GEORGE,
Presidency Post Master.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 7th February 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed *before the 15th of January 1881.* Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

The following are the centres of examination sanctioned by the Government of India as stations where candidates for 4th Grade Accountantships are to appear for examination :—

Agra, Ahmedabad, Ajmere, Akyab, Allahabad, Boloram, Durbhanga, Howrah, Indore, Jabalpore, Lahore, Lucknow, Meerut, Mhow, Mooltan, Mount Aboo, Nagpore, Neemuch, Rangoon, Rawalpindi, Saidpore, Shillong and Simla.

Candidates for the Accountants' examination are therefore requested to select one of the places mentioned above.

S. F. DOWNING,
Principal, Govt. Engrg. College, Howrah.

The 8th December 1880.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*
Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows:—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar:

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.
2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road:

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kaonia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway:

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Itacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,
Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *Rs. 4-8*; per eight ounce tin, *Rs. 8-8*; per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates:—per four ounce tin *Rs. 5-8*; per eight ounce tin *Rs. 10-8*; per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ٬

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد ليے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ٬

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه٬

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورۂ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا باره آنه ٬

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS:—

Description.	No.	Size.	Price.	Remarks.
			Rs.	
Bull's Dredgers .	39	1¼ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2¼ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1½ ditto .	75	These have never been used.
Ditto . .	22	2½ ditto .	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viâ* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

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Hydrographic Notices—

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
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„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
„ 3. [illegible] Fixed Light at False Point.
„ 4. [illegible] period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkeshwar, Dabhol or Anjanwel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Malwan.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Beliling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 25, 1880.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 30th October 1880.

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By Order of the Directors,
R. HARDIE,
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CALCUTTA UNIVERSITY.

NOTICE.

The following change has been made in the Selections in the Latin Language for the Entrance Examination of 1882:—

For Ovid, Metamorphoseon Fabulæ, has been substituted Ovid, Metamorphoseon Fabulæ* I—XIV, both inclusive.

By Order,
CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 24th December 1880.

* Messrs. Thacker, Spink & Co.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 18th December 1880.

No. 28.—Mr. W. M. Shaw, an Assistant Superintendent of the 4th Grade, is allowed privilege leave for three months, under Public Works Department No. 166 T.-E., dated 6th November 1880, with effect from the forenoon of the 9th December 1880.

ALBERT CAPPEL,
Offg. Dir. Genl. of Tels. in India.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th December 1880.

No. 126.—Mr. A. S. Betts, Superintendent, has been granted by the Deputy Director, Persian Gulf Telegraph, privilege leave for three months, under Section 44 of the Civil Leave Code, with effect from 1st December 1880.

W. PALMER,
Examiner of Telegraph Accounts.

AGENT, GOVERNOR GENERAL, RAJPUTANA.

NOTIFICATIONS.

Camp Nimbhera, the 13th December 1880.

No. 1713 *G.*—Lieutenant C. Herbert, Adjutant, Deoli Irregular Force, is granted the usual subsidiary leave, with effect from the 3rd December 1880, to enable him to proceed to Allahabad to appear before a Medical Board.

Camp Jawad, the 14th December 1880.

No. 1720 *G.*—APPOINTMENT.—With reference to Foreign Department Notification No. 2161 G.-G., dated 5th November 1880, Captain J. H. Newill assumed charge of the Office of Assistant Agent, Governor General, Rajputana, on the afternoon of the 13th November 1880, and that of Assistant Agent to the Governor General at Sujangurh on the afternoon of the 23rd November 1880.

Camp Kookesur, the 16th December 1880.

No. 1725 *G.*—LEAVE.—Lieutenant G. D. Carleton, Wing Officer, Deoli Irregular Force, is granted three months' privilege leave from such date as he may avail himself of it.

By Order,
A. C. TALBOT,
1st Asst. Agent, Govr. Genl.

PUBLIC WORKS DEPARTMENT—Military Works.

NOTIFICATIONS.

Simla, the 8th December 1880.

No. 77.—Captain S. C. Turner, R.E., Executive Engineer, on return from furlough, is posted to the Meerut Command, Military Works.

No. 78.—With reference to Inspector General's Notification No. 74, dated 11th November 1880, Lieutenant T. P. Cather, R.E., Assistant Engineer, 1st Grade, is appointed to officiate as Executive Engineer, Sialkot Division, Military Works, with effect from the forenoon of 24th November 1880, the date on which he received over charge of the division from Captain G. T. Maitland, Executive Engineer.

C. W. HUTCHINSON, *Lieut.-Genl., R.E.,*
Inspr. Genl. of Military Works.

Rawalpindi Command.

Rawalpindi, the 13th December 1880.

No. 2925.—With reference to Inspector General of Military Works' Notification No. 78, dated the 8th December 1880, Lieutenant T. P. Cather, R.E., Assistant Engineer, 1st Grade, is transferred from the Peshawar to the Sialkot Division, Military Works, which latter he joined on the forenoon of the 24th November 1880.

The 20th December 1880.

No. 3030.—With reference to Sirhind and Lahore Command, Military Works, Notification No. 91, dated the 4th December 1880, Captain M. A. Alves, R.E., Executive Engineer, joined the Rawalpindi Command, Military Works, on the afternoon of the 22nd November 1880, and is attached to this Office as a temporary arrangement from that date.

THOMAS C. MANDERSON, *Major, R.E.,*
Offg. Supdg. Engr., Rawalpindi Command,
Military Works.

Sirhind & Lahore Command.

The 15th December 1880.

No. 92.—Lieutenant A. H. Mason, R.E., Assistant Engineer, 2nd Grade, transferred to the Sirhind and Lahore Command, Military Works, reported his arrival on the afternoon of the 4th December 1880, at Superintending Engineer's Office, Lahore.

WILLIAM B. HOLMES, *Major, R.E.,*
Supdg. Engr., Sirhind & Lahore Command,
Military Works.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.

NOTIFICATION.

Lahore, the 17th December 1880.

No. 33.—Mr. E. C. Elliot, Assistant Engineer, 2nd Grade, Salt Branch Extension, Punjab Northern State Railway, is granted one month's privilege leave, with effect from the 8th December 1880, or such subsequent date as he may avail himself of it.

J. G. MEDLEY, *Colonel, R.E.,*
Consulting Engr. to Govt. of India
for Guaranteed Railways.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Calcutta, the 21st December 1880.

No. 178.—Mr. J. G. Furnivall, Store-keeper, 1st Grade, has been granted by Her Majesty's Secretary of State for India a further extension of six months' leave on medical certificate, in continuation of the extension notified in this Office Notification No. 104, dated 22nd July 1880.

J. S. TREVOR, *Major-Genl., R.E.,*
Director General.

INDUS VALLEY STATE RAILWAY, Manager's Office.

NOTIFICATION.

Mooltan, the 15th December 1880.

No. 24.—Mr. G. Moyle, Assistant Engineer, 1st Grade, made over, and Captain J. A. Little, S.C., Executive Engineer, 2nd Grade, received, charge of the Multan Division, Indus Valley State Railway, on the afternoon of the 5th November 1880.

T. B. B. SAVI, *Captain, R.E.,*
Manager.

KANDAHAR STATE RAILWAY, Upper Section.

NOTIFICATIONS.

Nari, the 17th October 1880.

No. 63.—Lieutenant W. W. Robinson, Executive Engineer, 4th Grade (temporary rank), is granted ninety days' privilege leave, under Public Works Department Notification No. 352, dated 27th October 1880.

No. 64.—CORRIGENDUM.—In this Office Notification No. 47, dated 5th October 1880, for the date specified against Mr. C. V. MacIvor's name, "on the 28th August 1880," *read* "on the 28th July 1880."

No. 65.—The under-mentioned Officers rejoined this Section of Railway on the dates specified against their names, and are posted as shown :—

Mr. R. S. J. Routh, Assistant Engineer, 2nd Grade,—on the forenoon of 9th November 1880, to Nari Division.

Mr. C. J. Cole, Assistant Engineer, 2nd Grade,—on the afternoon of the 15th November 1880, to Survey Division.

The 11th December 1880.

No. 72.—CORRIGENDUM.—In this Office Notification No. 66, dated 1st December 1880, for the date specified against Major E. N. Peters, Executive Engineer, 2nd Grade, on the "forenoon of 15th November 1880," *read* "on the forenoon of 14th November 1880."

The 13th December 1880.

No. 73.—With reference to Director General of Railways' Notification No. 156, dated 9th November 1880, Mr. W. Chadwick, Assistant Engineer, 2nd Grade, reported his arrival on forenoon of 12th December 1880, and is attached to the Office of the Engineer-in-Chief.

The 16th December 1880.

No. 74.—Major Peters, R.E., Executive Engineer, 2nd Grade, having returned to duty on the forenoon of the 14th November 1880, the balance of the twenty-five days' leave sanctioned in Notification No. 57 of the 9th November 1880, is cancelled.

J. G. LINDSAY, *Lieut.-Col., R.E.,*
Engineer-in-Chief.

PUNJAB NORTHERN STATE RAILWAY, Construction Sections.

NOTIFICATIONS.

Rawalpindi, the 20th December 1880.

No. 46.—Referring to the Director General of Railways' Notification No. 153 of 3rd November 1880, Mr. A. T. Chioditti, Assistant Engineer, 3rd Grade, was relieved of his duties on the Pindi Junction to Peshawar Section of the Punjab Northern State Railway on the afternoon of 14th December 1880.

No. 47.—In continuation of this Office Notification No. 41 of 13th November 1880, Mr. T. Anderson, Store-keeper, 2nd Grade, availed himself of three months' privilege leave on forenoon of 14th December 1880.

F. L. O'CALLAGHAN,
Engineer-in-Chief.

RAJPUTANA STATE RAILWAY, Manager's Office.

NOTIFICATION.

Agra, the 16th December 1880.

No. 30.—With reference to Government of India, Public Works Department, Notification No. 358, dated 3rd November 1880, Mr. W. E. Newham, Assistant Engineer, 2nd Grade, was relieved of his duties on this Railway on the afternoon of the 13th idem.

W. S. S. BISSET, *Capt., R.E.,*
Manager.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on or about the 19th September last, treasure consisting of 1 pair of gold earrings, 3 broken portions of a gold necklace, 1 gold phylactery, 3 large gold beads, 2 pieces of gold wire, 1 gold thali (marriage token), 22 small gold beads and 1 silver ring, valued in the aggregate at Rs. 26-8, was found in the backyard of a house belonging to one Kristnama Charry, in the village of Padappai, in the Conjeveram Taluq, of the Chingleput District.

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the Collector of Chingleput, at his Office, on the 1st day of July 1881, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

J. F. PRICE,
Collector.

SAIDAPET,
The 4th December 1880.

COMPTROLLER GENERAL'S OFFICE.

No. 1912.—*Account of Revenue and Expenditure of the Government of India for the fourth month of the year 1880-81, as compared with the corresponding period of 1879-80.*

N.B.—Amounts are converted into sterling @ Rs. 10 to the Pound Sterling.

REVENUE AND RECEIPTS.	Estimates, 1880-81.	April to July 1879.	April to July 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
I.—Land Revenue	22,062,000	7,463,235	7,198,969	...	264,266
II.—Tributes	698,000	227,704	238,297	10,593	...
III.—Forest	688,400	110,492	114,318	3,826	...
IV.—Excise on Spirits and Drugs	2,782,000	947,621	1,029,139	81,518	...
V.—Assessed Taxes	535,000	430,412	258,065	...	172,347
VI.—Provincial Rates	2,764,000	960,835	939,663	...	21,172
VII.—Customs	2,175,000	696,695	738,101	41,406	...
VIII.—Salt	7,541,000	2,349,769	2,473,415	123,646	...
IX.—Opium	9,410,000	3,234,872	3,224,017	...	10,855
X.—Stamps	3,194,000	1,135,340	1,191,669	56,329	...
XI.—Registration	265,000	84,964	107,240	22,276	...
XII.—Mint	196,000	93,268	37,625	...	55,643
XIII.—Post Office	1,008,000	332,385	375,369	42,984	...
XIV.—Telegraph	463,100	103,143	160,767	57,624	...
XV.—Minor Departments	61,700	14,210	19,334	5,124	...
XVI.—Law and Justice	680,000	197,838	216,731	18,893	...
XVII.—Police	232,000	70,215	78,609	8,394	...
XVIII.—Marine	226,000	48,547	56,685	8,138	...
XIX.—Education	137,000	47,876	52,267	4,391	...
XX.—Medical	38,200	18,798	8,739	...	10,059
XXI.—Stationery and Printing	45,000	13,731	19,342	5,611	...
XXII.—Interest	641,000	268,004	210,043	...	57,961
XXIII.—Pensions	291,700	44,924	38,929	...	5,995
XXIV.—Miscellaneous	262,000	89,260	80,366	...	8,894
XXX.—Gain by Exchange	237,000	—20,058	35,033	55,091	...
TOTAL	56,633,100	18,964,080	18,902,732	...	61,348
XXIX.—Army	800,200	301,667	329,517	27,850	...
XXVII.—Other Public Works	456,700	110,733	135,321	24,588	...
XXVI.—Irrigation and Navigation	860,200	56,768	94,290	37,522	...
XXV.—Traffic Receipts (Guaranteed Railways)	7,500,000	3,368,336*	2,247,414	...	1,120,922
XXV.—State Railways	4,720,000	378,051	1,706,470	1,328,419	...
XXVIII.—Provincial and Local Deficits	247,200	10,775	...	...	10,775
TOTAL	71,217,400	23,190,410	23,415,744	225,334	...
England, including Army, Public Works, &c.	203,800	76,539	94,450	17,911	...
GRAND TOTAL	71,421,200	23,266,949	23,510,194	243,245	...

* Includes £1,160,807 as traffic receipts of East Indian and Jubbulpore Lines.

COMPTROLLER GENL.'S OFFICE;
CALCUTTA,
The 22nd December 1880.

C. R. C. KIERNANDER,
Offg. Deputy Comptroller General.

EXPENDITURE.	Estimates, 1880-81.	April to July 1879.	April to July 1880.	COMPARISON OF TWO YEARS. Increase.	Decrease.
	£	£	£	£	£
1.—Interest on Debt	3,369,100	959,261	1,053,101	93,840	...
2.—Interest on Service Funds	398,400	69,310	70,266	956	...
3.—Refunds and Drawbacks	318,000	125,657	115,456	...	10,201
4.—Land Revenue	2,994,400	983,955	978,584	...	5,371
5.—Forest	527,600	100,005	93,001	...	7,004
6.—Excise	111,000	42,216	46,550	4,334	...
7.—Assessed Taxes	20,000	13,192	6,871	...	6,321
8.—Provincial Rates	53,000	14,283	16,245	1,962	...
9.—Customs	204,000	65,408	65,487	79	...
10.—Salt	368,000	115,654	113,681	...	1,973
11.—Opium	2,159,500	1,132,660	1,089,451	...	43,209
12.—Stamps	77,500	27,416	27,509	93	...
13.—Registration	166,000	47,132	58,070	10,938	...
14.—Mint	91,500	29,078	25,432	...	3,646
15.—Post Office	1,043,800	334,023	427,293	93,270	...
16.—Telegraph	380,900	118,419	127,394	8,975	...
17.—Administration	1,245,500	422,520	417,271	...	5,249
18.—Minor Departments	415,100	107,619	114,241	6,622	...
19.—Law and Justice	3,350,900	1,075,276	1,059,029	...	16,247
20.—Police	2,513,000	788,207	823,572	35,365	...
21.—Marine	419,000	112,000	110,397	...	1,603
22.—Education	1,015,800	299,710	312,493	12,783	...
23.—Ecclesiastical	158,600	50,643	51,097	454	...
24.—Medical	701,400	201,405	204,015	2,610	...
25.—Stationery and Printing	415,700	96,598	136,938	40,340	...
26.—Political	893,000	118,200	127,356	9,156	...
27.—Allowances	1,824,900	466,881	503,418	36,537	...
28.—Civil Furlough and Absentee Allowances	8,000	1,175	1,288	113	...
29.—Superannuation	646,300	248,226	321,523	73,297	...
30.—Miscellaneous	243,300	93,254	95,619	2,365	...
31.—Famine Relief	5,000	11,178	100	...	11,078
37.—Loss by Exchange	3,411,000	921,463	1,082,237	160,774	...
TOTAL	29,044,200	9,192,024	9,674,985	482,961	...
36.—Army	15,171,900	4,412,101	5,758,789	1,346,688	...
34.—Other Public Works	4,216,500	641,295	541,362	...	99,933
33.—Irrigation and Navigation	1,026,800	266,331	257,650	...	8,681
32.—Working Expenses (Guaranteed Railways)	4,675,000	1,226,814*	928,578	...	298,236
32.—Surplus Profits paid to Railway Companies	450,300	192,071	33,808	...	158,263
32.—Guaranteed Interest in India	9,000	5,659	3,754	...	1,905
32.—Land and Supervision	69,500	21,084	16,811	...	4,273
32.—State Railways	1,630,200	342,007	1,596,624	1,254,617	...
35.—Provincial and Local Surpluses	129,400	1,359,776	1,335,084	...	24,692
TOTAL	56,422,800	17,659,162	20,147,445	2,488,283	...
England, including Army, Public Works, Ordinary, and Guaranteed Interest.	14,579,600	4,961,451	5,297,324	335,873	...
TOTAL	71,002,400	22,620,613	25,444,769	2,824,156	...
38.—*Productive Public Works*—					
Capital Expenditure in India	2,346,000	701,281	1,046,886	345,605	...
Ditto ditto in England	966,000	154,807	173,821	19,014	...
TOTAL	3,312,000	856,088	1,220,707	364,619	...
GRAND TOTAL	74,314,400	23,476,701	26,665,476	3,188,775	...

* Includes £317,066 as working expenses of East Indian and Jubbulpore Lines.

J. WESTLAND,
Offg. Comptroller General.

2 b

Statement of the Affairs of the Bank of Bengal for the week ending 20th December 1880.

LIABILITIES.	Rs. A. P.	Rs.	A.	P.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		22,87,209	0	0
Public Deposits at Head Office	88,23,777 11 10			
Public Deposits at Branches	83,45,090 11 2	1,71,68,868	7	0
Other Deposits at Head Office and Branches		4,77,44,482	9	11
Bank Post Bills, &c.		3,29,679	14	11
Sundries		13,77,133	11	8
RUPEES		8,89,07,373	11	6

ASSETS.	Rs. A. P.	Rs.	A.	P.
Government Securities		1,37,39,265	0	0
Loans on Government Securities, &c., at Head Office and Branches		55,60,499	11	9
Accounts of Credit on Government Securities, &c., at Head Office and Branches		39,02,893	5	3
Bills discounted and purchased at Head Office and Branches		1,65,45,453	0	5
Balances with other Banks		5,07,579	7	10
Bullion		10,44,567	15	8
Dead Stock		11,05,937	0	7
Stamps		7,350	9	6
Sundries		3,73,349	8	4
		4,27,86,895	10	4
Cash and Currency Notes at Head Office	2,36,63,949 6 2			
Cash and Currency Notes at Branches	2,24,56,528 11 0	4,61,20,478	[illegible]	2
RUPEES		8,89,07,373	11	6

By order of the Directors.

BANK OF BENGAL,
Calcutta, 22nd December 1880.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secretary & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	Currency Department.	BALANCE OF BULLION: Under Assay.	Assayed.	Held on account of the Currency Department.
1880.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Dec. 13	...	...	...	61	29,22,404	17,34,657
„ 14	...	...	...	61	29,22,404	17,34,657
„ 15	...	...	65	...	29,22,465	17,34,718
„ 16	...	96,457	...	...	29,22,465	16,36,937
„ 17	1,897	...	...	1,897	29,23,293	16,36,937
„ 18	...	...	...	1,897	29,23,293	16,36,937

CALCUTTA MINT,
The 20th Dec. 1880.

J. F. TENNANT, *Col., R.E.,*
Mint Master.

GOVERNMENT RESERVE TREASURY.

Statement of the amount of cash held in the Reserve Treasury of the Government of India.

The 22nd Dec. 1880 ... Rs. 70,07,938-13-8.

J. WESTLAND,
Treasurer to the Govt. of India.

CALCUTTA,
The 22nd December 1880.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Akola Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
C 91—27514 ...	10	Captain W. H. Salmon, Commanding H. C. Troops, Ellichpur.
„ —27516 ...	10	
C 78—76812 ...	20	

NOTES PARTIALLY LOST OR DESTROYED.

No. of Notes.	Value. Rs.	Name of Claimant.
C 78—77018 ...	20	Haridass Viharidass, Karbhari, Wadhwan.
K 3—26044 ...	50	Bhicumchund Sadani, Shop keeper, Madura.

AKOLA,
The 14th December 1880.

C. W. A. DAVIES,
Asstt. Commr. of Paper Currency.

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
216	... D 12—20425 ...	5	Budree Dutt Joshee, Almorah.
217	... D 16—16964 ...	10	Babu Khetrapada Banerjee, Barabunki.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
178	... D 5—96209 ...	20	Mr. T. P. Corrie, Bareilly.
	D 14—35438 ...	20	

ALLAHABAD,
The 22nd December 1880.

W. H. EGERTON, *A.A.-G.,*
In charge of Paper Currency Office.

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880.			
W66	... M53—11441 ...	20	Presidency Post Master, Bombay.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
1880.			
H168	... M46—28220 ...	50	Colonel D. S. Greene, Rawal Pindi.
	„ —51832 ...	50	
H169	... M46—60691 ...	50	W. H. Jancowski, Khandala.
H170	... M 51—93770 ...	10	Bomanji Jamsetji, Bassein.
M74	... M 34—81332 ...	20	Nowroji Byramji, Bombay.
	F 8—71466 ...		

BOMBAY,
The 21st December 1880.

C. E. CRAWLEY,
Asst. Accountant-General.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
303	... O 74—27332 ...	1,000	Messrs. Kerr, Tarruck & Co.
	„ —27333 ...	1,000	
	O 69—40970 ...	100	
	„ —38003 ...	100	
	„ —36871 ...	100	
	„ —46095 ...	100	
305	... O 69—21497 ...	100	Hari Ram Raja Ram.
308	... O 69—80419 ...	100	Russick Chunder Kolay.
309	... O 58—21955 ...	20	Babu Shama Charan Mukerjee.
	O 9—11405 ...	10	
310	... O 31—67678 ...	50	Ameer Ahmed.
	„ —85717 ...	50	

Calcutta Circle—*continued.*

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
304	... O 31—10269 ...	50	Dr. B. B. Gupta.
	O 61—02156 ...	20	
305	... O 37—62040 ...	5	Mr. J. B. Birch.
306	... L 93—57745 ...	50	Mrs. Mendes.
307	... O 82—21166 ...	10	Babu Madan Mohan Bysack.
204	... O 68—56403	100	Babu Gouriprasad Kundu.
	„ —56405		
205	... L 16—64413	5	Khurga Mull Buldeo Das.
	„ —64418		
206	... O 77—69416	10	Babu Juggobundo Bagchee.
	O 18—40714		

CALCUTTA,
The 22nd December 1880.

R. A. STERNDALE,
Assistant Commissioner of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
107	... E 16—97769 ...	10	Bhona Mull, Bander, Lahore.
	„ —93477 ...	10	
	„ —18556 ...	10	
108	... E 16—79711 ...	10	The Officer Commanding 24th Regiment, Punjab Native Infantry, Multan.
	„ —79916 ...	10	
	E 15—52765 ...	50	
	„ —52766 ...	50	
	E 13—90335 ...	100	

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
168	... E 16—27565 ...	10	Mrs. Mary Barry, of Allahabad, on behalf of Mrs. [illegible], Bareilly.
164	... E 2—50479 ...	500	Sheikh Mahomed Bux, Calcutta.

LAHORE,
The 18th December 1880.

H. J. BRERETON,
Asst. to Acctt. Genl., in charge of Currency Office.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
82	... B 57—94294 ...	20	H. Subbara Aiyar, Subordinate Judge, Cochin.

NOTES PARTIALLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. Rs.	Name of Claimant.
[illegible]	... B 60—06907 ...	10	K. D. [illegible] Aiyangar, Head Master, Primary School, Fraserpett, Kurg.
160	... B 46—82534 ...	5	T. Neeluppa Chetti, Triplikien, Madras.
161	... B 59—14474 ...	100	Thallum Nunjundiah, a Merchant at Manchanally.
23	... J 7—89454 *	5	Muniswami Nayadu, No. 45, Thiappu Mudali Street, Madras.
	B 40—25533		

* Wrongly joined.

FORT SAINT GEORGE,
The 13th December 1880.

C. HALL,
Offg. Asst. to the Acctt. Genl., in charge of Paper Currency Dept., for Commissioner.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 24th December 1880.

SEA AND FOREIGN MAILS.

For	Box closes at	Date.	Per Steamer
		1881.	
Persian Gulf	6 P. M.	1st Jan.	From Bombay.
		1880.	
Madras, Ceylon and the Intermediate Ports	6 „	27th Dec.	Str. *Africa.*
Galle, Penang, Singapore, Hong-Kong, and Shanghai; also *viâ* Hong-Kong for Yokohama; also for Australian Colonies	6 „	28th „	From Bombay.
Foreign Mails *viâ* Bombay	6 „	29th „	From Bombay.
Do. Book Post and Pattern Packets	6 „	28th „	From Bombay.
Rangoon, Moulmein and Straits	6 „	30th „	Str. *Oriental.**
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6 „	31st „	Str. *Commilla.*
Persian Gulf	6 „	25th „	From Bombay.

* Mail for Port Blair can be forwarded by this opportunity.

N. B.—The Letter Box will close at 6 P.M. precisely, after which hour foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 6-30 P. M.

List of Unclaimed Letters lying in the Calcutta Post Office on the 24th December 1880.

Andrews, J.
Bastien, W. E.
Bond, Miss Maude.
Boyd, C. Y.
Brandon, Miss.
Brothers, J. H.
Brown, W. M.
[illegible], Geo. B.
[illegible]
Cramp, W. J. H.
Dattari, Signor John.
DeBordieux, C. J.
Delgado, G.
Doly, D. O. C.
Dunn, W. J.
Evans, J.
Faithfull, G.
Fairbrather, Lt. W. T.
Fergus, C. B.
Fookes, Mrs.
Green, Randal S.
Griffith, Mrs.
Hart, Samuel S.
Hampton, Mrs.
Hoff, F. C.
Jadoo Nath Bose.
Jasper, Mrs. A.
Jenkins, Captain J.
Johnson, Mrs. W. H.
Kay, T. W.
Kelly, Mrs. K.
Leach, F.
Logan, Miss E.
Muno Lall Doss & Co.
Macpherson, P.
McDonald, Samuel.
Miller, D.
Moon, Mrs.
Nordt, Miss Mennie.
Noor Ellahie, T. & Co.
Scott, G. D.
Skinner, Mrs.
Strong, Sergt.
[illegible], Mrs.
[illegible], Mrs.
Vaneum, Mrs.
Vevel, Fred.
Warden, Howard.
Weston, Mrs.
Wood, Oswald G.

Letters marked "Care of Post Office, to be kept till called for."

Adels, E.
Amey, Mrs. A. W.
Arnot, Miss J. T.
Ashton, Captain Sam.
Atkinson, James.
Bell, Mrs. Urzee.
Beathe, W. Z.
Bennet, J.
Bernon, Monsieur T.
Boswell, W. A.
Boyd, Miss Zaddie.
Bradshaw, John.
Brown, A. W.
Brundage, J. D.
Bryne, Joseph.
Byron, E. C. A.
C. W. S.
Canham, John.
[illegible], Arthur H.
[illegible]
Clarke, Lt., [illegible] Regt. Foot.
Constantine, Courrier Geo.
Coote, Waller.
Cotton, C. B.
Crafter, Geo.
Davidson, Mrs. J. H.
D'Osmond, Le Comte O.
Doyne, Capt. R. G.
Dunsford, R. C.
Fraser, H.
Gibbons, E. J.
Gibbons, Rev. B.
Gilbert, Benjn. (Gunner.)
Godlu, Francis.
Griffin, W. H.
Harford, J.
Hastings, C. G. W.
Hay, G.
Jackson, R. A.
John, George.
Kaiser, Mr.
"Kitty."
[illegible]
Landfield, F.
Lindesay, Harris M.
Little Robert, Mrs.
Montagu, Mrs.
Mecredy, James McG.
Mitchell, Mrs. Murray.
Moolla, Monsieur N. J.
Montgomery, Miss.
M. K. W.
Norton, Mrs. D.
Pogose, John.
Pearson, Lewie.
Phelps, Mrs. C. Harris.
Quinlan, Rev. A. W. R.
Rishworth, J.
Ratallick, Lt. J. M. A.
Sandford, J. R.
Schore, T. C.
Sinclair, J. L.
Slade, G.
Stevens, C.
[illegible], J.
Tupper, J.
[illegible], G. J.
[illegible], Miss.
Tregido, S.
Warde, Mrs.
Walton, William.
Wilson, Alex. S.

Newspapers.

Buchanan, Beverley.
Byron, E. C. A.
D'Osmond, Le Comte.
Griffin, W. H.
Miller, Captain William.
Molla, Monsieur N. J.
Morton, M.
Sale, M.

Registered Letters.

Hoctor, Mrs. Bertha.
Kay, T. W.
Paget, G. O.
Paxwell, Ed.
Rosa, Lorenzo.

E. C. GEORGE,
Presidency Post Master.

Department Public Works—Half-yearly Examination.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 7th February 1881, and the following days. Applications, with fees for admission to the examination, are required to be filed *before the 15th of January 1881*. Candidates for the grade of Accountant who are not in Government service should be under 25 years of age, and must prove to the satisfaction of the Principal that they are under that age.

The following are the centres of examination sanctioned by the Government of India as stations where candidates for 4th Grade Accountantships are to appear for examination :—

Agra, Ahmedabad, Ajmere, Akyab, Allahabad, Boloram, Durbhanga, Howrah, Indore, Jabalpore, Lahore, Lucknow, Meerut, Mhow, Mooltan, Mount Aboo, Nagpore, Neemuch, Rangoon, Rawalpindi, Saidpore, Shillong and Simla.

Candidates for the Accountants' examination are therefore requested to select one of the places mentioned above.

S. F. DOWNING,

Principal, Govt. Engrg. College, Howrah.

The 8th December 1880.

£100 Prize.

A prize of £100 is hereby offered by the Government of India for the best *Manual of Hygiene* for the use of the British soldier in India. The work must be in clear and simple English without theories and thoroughly practical, showing the ordinary causes affecting health, the special dangers to health to which British soldiers are exposed in India, and more particularly during their first years in the country, and the best means by which these dangers may be averted. The work which, if accepted, will be printed at the public expense and become the property of the State, must not cover more than 50 or 60 pages of print of small pica octavo size.

Competing primers must be sent to the Secretary to the Government of India, in the Military Department, Calcutta, so as to arrive not later than the 31st March 1881. Each should bear a motto and have a sealed envelope attached with the same motto outside and the name of the author within.

The prize will be adjudicated by a committee consisting of the Surgeon-General, Her Majesty's Forces in Bengal, and Principal Medical Officer, Her Majesty's British Forces in India, the Sanitary Commissioner with the Government of India, and an officer of the Quartermaster-General's Department to be appointed by His Excellency the Commander-in-Chief, but the Government of India will not award the prize unless a manual is produced in all respects suitable for the purposes for which it is required.

ALLEN JOHNSON, *Colonel,*

Secy. to the Govt. of India.

SIMLA,
The 16th July 1880.

FOREST DEPARTMENT, BENGAL.

NOTICE.

Sâl timber in log is now available at the depôts of the Forest Department, Buxa Division, as follows :—

Alipur Depôt, on the Kalijani River, 12 miles north of Kuch Behar :

Sâl logs averaging 30 cubic feet a piece, about 800.

Rates,—1st class timber in log, Re. 1-4 per cubic foot.

2nd class timber in log, Ans. 12 per cubic foot.

Narrow gauge sleepers 6′ × 8″ × 4″, about 4,000, at Re. 1-12 each.

Gaehidanga Depôt, on the Kalijani River, at the crossing of the Rangpur-Dubri road :

Sâl logs about 69, 1st class, Re. 1-8 per cubic foot.

Sâl logs, 2nd class, Re. 1 per cubic foot.

Kabnia Depôt, on the Teesta River, at the terminus of the Rangpur Branch of the Northern Bengal State Railway :

Sâl logs about 250, average cubical contents 30 cubic feet.

1st class logs, Re. 1-12 per cubic foot.

2nd „ „ 1 „ „

Sâl, narrow gauge sleepers, 6′ × 8″ × 4″, about 9,000, at Rs. 2-6 each.

Dacca Depôt, about 170 sâl logs, Re. 1-12 to Rs. 2 per cubic foot.

The timber may be seen at the depôts and will be shewn by the Foresters in charge.

Further information can be obtained from the undersigned.

G. A. RICHARDSON,

Asst. Conservator of Forests, Buxa.

BUXA,
The 6th October 1880.

GOVERNMENT CINCHONA FEBRIFUGE

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin, *Rs. 4-8;* per eight ounce tin, *Rs. 8-8;* per pound tin, *Rs. 16-8*. The general public can be supplied by the Superintendent, Botanical Garden, *for cash only*, at the under-noted rates :—per four ounce tin *Rs. 5-8;* per eight ounce tin *Rs. 10-8;* per pound tin, *Rs. 20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج ،

يهه دوا کوئينائين کے خوب قايم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سيواے اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سوله روپيه آٹهه آنه ،

اور عوام‌الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه،

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دواخانونمين بکتي هی ماسيواے قيمت مذکورۂ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا باره آنه ،

FOR SALE

AT

NARORA, NEAR RAJGHAT,

BULL'S DREDGERS FOR WELL-SINKING, &c.,

OF THE FOLLOWING KINDS :—

Description.	No.	Size.	Price.	REMARKS.
			Rs.	
Bull's Dredgers .	39	1¼ cubic feet .	40	These have been used, but are in good condition.
Ditto . .	113	2¼ ditto .	65	
Ditto . .	9	6 ditto .	120	
Ditto . .	50	1¼ ditto .	75	These have never been used.
Ditto . .	22	2¼ ditto .	105	

Apply to MR. EDWARD J. JONES, Executive Engineer, Narora Division, Lower Ganges Canal, Narora, *viá* Rajghat, Oudh and Rohilkhand Railway Station.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are now on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

	Rs.	A.	P.
Report on the Meteorology of India, in 1875, 4to., 89 pages text, 297 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India, in 1876, 4to., 97 pages text, 340 pages tables, 3 charts ...	8	0	0
Report on the Meteorology of India in 1877, 4to., 173 pages text, 375 pages tables, 3 charts ...	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to., 118 pages, 9 plates	3	0	0
Indian Meteorological Memoirs, Vol. II, Part II. 4to., 63 pages, 4 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to., 187 pages, 4 plates ...	3	0	0
Report on the Madras Cyclones, May 1877, 4to., 117 pages text, 97 pages tables, 5 plates ...	3	8	0

HENRY F. BLANFORD,

Meteorological Reporter to Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set :

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MESSRS. THACKER, SPINK AND CO., CALCUTTA;
MESSRS. THACKER AND CO., BOMBAY;
MESSRS. HIGGINBOTHAM AND CO., MADRAS;
THE GOVERNMENT CENTRAL BOOK DEPOT, BOMBAY;
THE GOVERNMENT BOOK DEPOT, ALLAHABAD.

Orders and Subscriptions for 1878 should be at once remitted.

THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at Rs. 375 a set.

The Ramayana of Tulsi Das, translated

from the original Hindi, by F. S. GROWSE, M.A., Oxon.

Price—

Book I, Rs. 3 0 0 }
„ II, „ 2 8 0 } **per copy, including postage.**
„ III, „ 2 8 0 }

Government Press, Allahabad.

Charts, &c., issued at the Marine Survey Department, Calcutta, by order of the Government of India, and sold at the Office of Superintendent of Government Printing, 8, Hastings Street.

Indian Ocean—

Indian Ocean, Curves of equal magnetic variation. ***Annas 8.***

India, West Coast—

Kurrachee to Vingorla. ***Re. 1-12.***
Vingorla to Cape Comorin. ***Re. 1-12.***
Port of Salaya or Seraia. ***Re. 1.***
Cutch Mandvi. ***Re. 1.***

Veráwal Roads. *Re. 1.*
Sketch of the Entrance to Rajpuri River. *Annas 8.*
Ratnagiri, including Mirya and Kalbadavie Bays. *Re. 1.*
Kundari Island to Chaul. *Re. 1.*
Chaul and Entrance to Kundalika River. *Re. 1.*
Rajapur Bay and Viziadurg with adjacent Coast. *Re. 1.*
Jaygad and Entrance to Shastri River. *Re. 1.*
Dabhol and Entrance to Washisti River. *Re. 1.*
Goa and Marmagao Roadsteads. *Annas 12.*
Narakel Anchorage. *Annas 8.*
Quilon Roads. *Annas 8.*
Lakadivh Group—Cherbaniani Reef, Chitlac and Kiltan Islands. *Annas 12.*
Byramgore Reef or Chereapani, and Angria Bank. *Annas 8.*
Kolachel Roadstead, with plan of Enciam Rocks. *Re. 1-8.*

India, East Coast, Bay of Bengal, Ceylon, &c.—

Cape Comorin to Coconada, including the Island of Ceylon. *Re. 1-12.*
Tuticorin Roadstead and Harbour. *Re. 1.*
Approaches to Jafnapatam. *Re. 1.*
Paumben Pass. *Re. 1.*
Approaches to Paumben Pass. *Re. 1.*
Mullaittivu or Mocletivoe. *Annas 8.*
Colombo Harbour and its approaches. *Re. 1.*
Approaches to Point de Galle Harbour, Ceylon. *Re. 1.*
Bay of Bengal, Western Sheet. *Rs. 2.*
Bay of Bengal, Eastern Sheet. *Rs. 2.*
Coromandel Coast. Sheet No. 2, from Latitude 15° to 16° 30′ N. *Re. 1.*
Sheet No. 3, from Latitude 13° to 15° N. *Re. 1.*
Sheet No. 4. Lieutenant M. A. Sweny, I. N., 1859-60. *Re. 1.*
Madras Roadstead. *Re. 1.*
Orissa Coast, Narsapoor Point to Palmyras Point, adapted to the latest determinations of the G. T. S. and observations by Commander A. D. Taylor, I.N. *Re. 1.*
Coconada to Bassein River. *Re. 1-12*
Coringa or Coconada Bay, showing the Northern Godavery Mouths. *Re. 1-8.*
False Point Harbour and Approaches. *Re. 1.*
Hooghly River.—Luff Point to Anchoring Creek, showing the James and Mary Shoals and entrance to the Roopnarain River. *Re. 1-8.*
False Point to Mutlah River, showing the approaches to Sandheads. From the latest Government Surveys. *Re. 1.*
Mutlah River to the Chittagong Coast.
Chittagong or Kornafuli River. *Re. 1.*

Coast of Burma, &c.—

Bassein River to Pulo Penang, including the Andaman and Nicobar Islands. *Re. 1-12.*
Coronge Island to White Point, including the Gulf of Martaban. *Re. 1.*
Preparis North Channel and Entrance to Bassein River. *Re. 1.*
Rangoon River Approaches. *Re. 1.*
Entrance to Salween (Maulmain) River. *Re. 1.*
Coast of Tenasserim—Tavoy River, from a sketch by Lieutenant R. Moresby, with Corrections and Additions. *Re. 1.*
Port Mouat, Andamans.

Siam, Malay Peninsula, West Coast—

Hayes Island to the Pilgrims. *Re. 1.*
Kopah Inlet. *Re. 1.*
Salang Island (Junkseylon). *Re 1.*
Junkseylon, East Coast.—Puket or Tonkah Harbour. *Re. 1.*

Gulf of Siam—

Siam Gulf, West Coast, Hilly Cape to Lacon Bight. *Re. 1.*
Siam Gulf, West Coast, Lacon Bight to Lem Chang. P'ra. *Re. 1.*
Patani Bay. *Annas 8.*
Singora Roadstead and Inner Harbour. *Re. 1*
Lacon Roads. *Re. 1.*
Samuie Strait. *Re. 1.*
Langsuen Roads. *Re 1.*

Sailing Directions, &c.—

The Sailing Directory, Part I, India, Africa and South America, with Charts. *Rs. 16; packing and postage, Re. 1-12.*

Return of Wrecks and Casualties in Indian Waters for the year 1877, together with a Chart showing the positions in which they occurred. *Rs. 2.*

Ditto ditto for 1878. *Price, Rs. 2.*

Ditto ditto for 1879. *Price, Rs. 2.*

List of Light-houses and Light-vessels in British India (Suez to Singapore), corrected from official information. *Re. 1.*

Spheroidal Tables, for every ten minutes of the quadrant, showing the length in feet of a degree, minute, and second of latitude and longitude; the corresponding number of statute miles in each degree of latitude; the number of minutes of latitude, or nautic miles contained in a degree of longitude under each parallel of latitude; and the length, in cables, of a minute of longitude, corresponding to each nautic mile, Compression $\frac{1}{292}$. *Re. 1.*

Glossary of French Terms adopted on French Charts and Maps and in Sailing Directions. *Annas 12.*

Catalogue of Charts, Maps, Plans, &c., in the Marine Survey Department, Calcutta. *Annas 8.*

Hydrographic Notices—.

No. 1. Rangoon River. *Annas 4.*
„ 2. Cancelled; superseded by Notice No. 8. *Annas 4.*
„ 3. Cancelled; superseded by Notice No. 18. *Annas 4.*
„ 4. Cancelled; superseded by Notice No. 23. *Annas 4.*
„ 5. Kyouk Phyou Harbour. *Annas 4.*
„ 6. Salween (Maulmain) River. *Annas 4.*
„ 7. Approaches to Point de Galle Harbour. *Annas 4.*
„ 8. Mergui Archipelago. Pages 7 to 10 of this Notice superseded by Notice No. 18. *Annas 4.*
„ 9. Indus Banks and Kurrachee. *Annas 4.*
„ 10. Pamban (Paumben) Pass. *Annas 4.*
„ 11. Andaman Islands. *Annas 4.*
„ 12. Jiddah Harbour Red Sea. *Annas 4.*
„ 13. Red Sea, Navigation. In shore Passages, 1878. *Annas 4.*
„ 14. Red Sea, 1878. *Annas 4.*
„ 15. South Indian Ocean, Seychelle, Farquhar Islands, and Madagascar. *Annas 4.*
„ 16. Torres Strait and New Guinea, South-east Coast. *Annas 4.*
„ 17. India, West Coast, Ratnagiri, Rajapur Bay, and Viziadurg. *Annas 4.*
„ 18. Coast of Siam, including Junkseylon and adjacent islands. *Annas 4.*
„ 19. Africa, East Coast, Pemba Island and adjacent Coast. *Annas 4.*
„ 20. India, West Coast, the coast from Kundari Island to Chaul, and the harbours of Dabhol and Jaygad. *Annas 4.*
„ 21. Arabian Coast, Ras Matbakh, 1880. *Annas 4.*
„ 22. Red Sea. Notes from various sources, 1880.
„ 23. Coast of Orissa. False Point Harbour and Approaches.
„ 24. Harbours of Karwar and Bankot.

Notices to Mariners.

Notices issued during the year 1880—

No. 1. Prohibited Anchorage near the Telegraph Cables in Zanzibar Harbour.
„ 2. Discontinuance of Maroon Lights at Krishna Shoal Light Vessel.
No. 3. Exhibition of the new fixed Light at False Point.
„ 4. Extension of the period of exhibition of the "intermediate" Light at the Entrance to the Hooghly River.
„ 5. Alterations in the position and visibility of the Light exhibited from Fort Canning, Singapore.
„ 6. Alteration of position and elevation of the red Light at Cannanore.
„ 7. Discontinuance of the exhibition of maroons from the Light-vessels of the Hooghly River.
„ 8. Fixed Light at Tolkoshwar, Dabhol or Anjanvel.
„ 9. Lights at Port Ibrahim, Suez.
„ 10. Changes in the buoyage of the port, Madras.
„ 11. Kenery (Kundari) Island Light. Intended alteration, Bombay.
„ 12. Flashing Light on Flat Cape, Sunda Strait, Sumatra.
„ 13. Destruction of First Point Lighthouse, Java, Sunda Strait.
„ 14. Harbour Light at Belilling, Baly Island.
„ 15. Position of Gwalia Reef, Carimata Strait.
„ 16. Position of Parkin Rock, Hanish Islands.
„ 17. Shoal south-west of Barren Islands, Madagascar, West Coast.
„ 18. Intended alteration in Light Apparatus, Calicut.
„ 19. Lights at Port Ibrahim, Suez.
„ 20. Intermittent flashing light on Pulo Undan.

*** *The above rates are exclusive of mounting, colouring, packing, and postage.*

☞ The following books may be had from the Office of Superintendent of Government Printing, No. 8, Hastings Street.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

Books required for the public service cannot be supplied on payment; they are only issued on the authority of the Department to which the indenting officer is subordinate. In sending for books for personal use, it should be stated that they are required for this purpose, to avoid the delay of enquiry before complying with the requisition.

Just published.

Super-royal octavo, cloth.

Tribes of the Hindoo Koosh. *Price, Rs. 6; packing and postage, 6 annas.*

Army List—New Number.

Will be ready in the first week of January.

The Official Quarterly Bengal Army List, corrected up to 31st December 1880. This number will contain the Furlough and Service Fund Regulations, War Services of Officers, &c.

☞ *From January 1881 the price of the Army List will be reduced to 1 Rupee per copy; packing and postage, 6 annas.*

The Civil Service Gradation List will no longer be appended to the Army List, but will be published separately, and may be obtained from Mr. J. Wetherill, Civil Fund Office, Treasury Buildings. *Price, Re. 1; postage, 2 annas.*

Select Extra-Tropical Plants readily eligible for industrial culture or naturalisation, with indications of their native countries and some of their uses, by Baron Ferd. Von Mueller. Indian edition, 1880. *Price, Rs. 4; Packing and postage, 6 annas.*

Report on Cotton Gins, and on the cleaning and quality of Indian cotton, in two parts; by Dr. FORBES WATSON. *Price, Rs 5; packing and postage, 10 annas.*

THE INDIAN STATUTE-BOOK.

REVISED EDITION.

A.—General Acts.

Vol. I.—From 1834 to 1863.

Vol. II.—From 1864 to 1871.

Vol. III.—From 1872 to June 1876. *Price of each Volume, Rs. 8; packing and postage, 12 annas.*

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

In the High Court of Judicature at Fort William in Bengal, Ordinary Original Civil Jurisdiction.

IN THE MATTER OF THE INDIAN COMPANIES' ACT, 1866, AND OF THE CALCUTTA JUTE MILLS COMPANY, LIMITED.

By an order made by the High Court of Judicature at Fort William in Bengal in the above matter and dated the 24th day of June 1880, on the Petition of George Jamieson Scott, of No. 7, Garden Reach, in the 24-Pergunnahs, Algernon Fiennes Nowell Watkins, of No. 14, Elysium Row, in the Town of Calcutta, Solicitor, and John Mackintosh, of Old Court House Street, Calcutta, three of the Directors of the said Company, and by the Agra Bank, Limited, a creditor of the said Company, it was ordered that the said Calcutta Jute Mills Company, "Limited," should be wound up by the said Court under the provisions of the Indian Companies' Act, 1866, and that Mr. A. R. Mackintosh, of No. 3, Fairlie Place, Calcutta, should be appointed Provisional Liquidator of the said Company, and that Monday, the 26th day of July next, at the hour of 11 o'clock in the forenoon, at the Court House, should be appointed as the time and place for the appointment of an Official Liquidator of the above-named Company. Dated this 25th day of June 1880.

R. BELCHAMBERS,
Registrar.

JOSCELINE F. WATKINS,
No. 2, Old Post Office Street, Calcutta, Solicitor for the first-named Petitioners.

ROBERTS MORGAN & CO.,
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PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 094776, of the 4 per cent. of 1842-43, for **Rs. 1,000, originally standing in the name of Dwarkanauth Mookerjee and last endorsed to Dwarkanauth** Mookerjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

DWARKANAUTH MOOKERJEE.

Destroyed

The 4 per cent. Government Promissory Note No. 036859, of 1st May 1865, for **Rs. 1,000, originally standing in the name of E. E. I. Tweedie, endorsed by Gopaul Chandro Banerjea to Prosokhi Dassya, by whom last endorsed to Prosonno** Kumar Basu, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of the duplicate in favour of the proprietor.

PROSONNO KUMAR BASU,
Bon-Bishenpur.

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Lost

Government Promissory Note No. 042761, dated 1st May 1865, of 4 per cent. loan, for Rs. 500, originally standing in the name (not known), and last endorsed to Tacoordass Mookerjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

GOPAUL CHUNDER SEN,
No. 39, Goorooprosad Chowdhry's Lane, Bar Simla, Calcutta.

Lost or Stolen

The Government Promissory Note No. 094776, of the 4 per cent. of 1842-43, for Rs. 1,000, originally standing in the name of Dwarkanauth Mookerjee and last endorsed to Dwarkanauth Mookerjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

DWARKANAUTH MOOKERJEE.

Destroyed

The 4 per cent. Government Promissory Note No. 036859, of 1st May 1865, for Rs. 1,000, originally standing in the name of E. E. I. Tweedie, endorsed by Gopaul Chandro Banerjea to Preosokhi Dassya, by whom last endorsed to Prosonno Kumar Basu, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of the duplicate in favour of the proprietor.

PROSONNO KUMAR BASU,
Bon-Bishenpur.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 17, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

In the High Court of Judicature at Fort William in Bengal, Ordinary Original Civil Jurisdiction.

IN THE MATTER OF THE INDIAN COMPANIES' ACT, 1866, AND OF THE CALCUTTA JUTE MILLS COMPANY, LIMITED.

By an order made by the High Court of Judicature at Fort William in Bengal in the above matter and dated the 24th day of June 1880, on the Petition of George Jamieson Scott, of No. 7, Garden Reach, in the 24-Pergunnahs, Algernon Fiennes Nowell Watkins, of No. 14, Elysium Row, in the Town of Calcutta, Solicitor, and John Mackintosh, of Old Court House Street, Calcutta, three of the Directors of the said Company, and by the Agra Bank, Limited, a creditor of the said Company, it was ordered that the said Calcutta Jute Mills Company, "Limited," should be wound up by the said Court under the provisions of the Indian Companies' Act, 1866, and that Mr. A. R. Mackintosh, of No. 3, Fairlie Place, Calcutta, should be appointed Provisional Liquidator of the said Company, and that Monday, the 26th day of July next, at the hour of 11 o'clock in the forenoon, at the Court House, should be appointed as the time and place for the appointment of an Official Liquidator of the above-named Company. Dated this 25th day of June 1880.

R. BELCHAMBERS,
Registrar.

JOSCELINE F. WATKINS,
No. 2, Old Post Office Street, Calcutta, Solicitor for the first-named Petitioners.

ROBERTS MORGAN & CO.,
No. 1, Hastings Street, Calcutta, Solicitors for the Agra Bank, Ld.

PROMISSORY NOTES.

Lost

Government Promissory Note No. 042761, dated 1st May 1865, of 4 per cent. loan, for Rs. 500, originally standing in the name (not known), and last endorsed to Tacoordass Mookerjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

GOPAUL CHUNDER SEN,
No. 39, Gooroopprosad Chowdhry's Lane, Bar Simla, Calcutta.

Lost or Stolen

The Government Promissory Note No. 094776, of the 4 per cent. of 1842-43, for Rs. 1,000, originally standing in the name of Dwarkanauth Mookerjee and last endorsed to Dwarkanauth Mookerjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

DWARKANAUTH MOOKERJEE.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 24, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

In the High Court of Judicature at Fort William in Bengal, Ordinary Original Civil Jurisdiction.

IN THE MATTER OF THE INDIAN COMPANIES' ACT, 1866, AND OF THE EASTERN STEAM TUG COMPANY, LIMITED.

By an order dated the 31st day of May 1880 it was ordered that James Mackillican should be and was thereby discharged from further acting as the Official Liquidator of the said Eastern Steam Tug Company Limited and that upon his passing his accounts before this Court the recognizance entered into by him and his sureties James William O'Keefe and Henry John Joakim on the 5th day of May 1879 should be vacated and it was further ordered that subject to an affidavit verifying the signatures of the several parties to the circular dated the 28th day of May then instant proposing the appointment of Mr. Shirley Tremearne the Clerk to the Honorable the Chief Justice to act as Official Liquidator of the said Company in the place and stead of the said James Mackillican being filed which affidavit has been filed the said Mr. Tremearne should be appointed the Official Liquidator of the said Eastern Steam Tug Company Limited in the place and stead of the said James Mackillican at a remuneration of 5 per cent. on all sums of money that should come into his hands as such Official Liquidator and it was further ordered that the said Shirley Tremearne should within one month from the date of the now reciting order furnish security for Rs. 20,000 to the satisfaction of the Registrar of this Court to account for the property credits and effects that should come into his hands as such Official Liquidator as aforesaid and it was further ordered that the said James Mackillican should make over to the said Shirley Tremearne all moneys books papers and documents in his possession belonging to the said Company and it was further ordered that the said Shirley Tremearne should yearly and in each and every year file in the Office of the Registrar of this Court his accounts of the receipts and disbursements of the said Company and it was further ordered that all capital moneys which might be received by the said S. Tremearne should be paid by him within seven days after the receipt thereof to the Controller General of Accounts for the time being of the Government of India and the Secretary and Treasurer for the time being of the Bank of Bengal with the privity of the Accountant General of this Court to be by them placed to the credit of this matter subject to the further order of this Court.

R. BELCHAMBERS,
Registrar.

SANDERSON & CO.,
Attornies for the Official Liquidator.

BARROW & CO.,
Attornies for the Delhi and London Bank, Ld.

PROMISSORY NOTES.

Lost

Government Promissory Note No. 042761, dated 1st May 1865, of 4 per cent. loan, for Rs. 500, originally standing in the name (not known), and last endorsed to Tacoordass Mookerjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

GOPAUL CHUNDER SEN,
No. 39, Gooroosprosad Chowdhry's Lane, Bar Simla, Calcutta.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 31, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

RESULT OF VOTES.

On the questions submitted in the Circular Letter No. 3, dated 10th April 1880.

Subject.	For.	Against.
1.—That Rules 54 and 55 be suspended, and the scheme of abatement, proposed by the Directors for 1880-81, be carried out.	754	39
2.—That Rules 3, 29 and 38 be amended as proposed . . .	730	19
3.—That the proposed new Rule 29A be introduced . . .	724	35

By Order of the Directors,

W. H. RYLAND,

Secretary.

FUND OFFICE,
Calcutta, the 17th July 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 7, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen

The Government Promissory Note No. 078693, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of the National Bank of India, Limited, and last endorsed to Ramcoomar Chooramoney, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

RAMCOOMAR CHOORAMONEY,
of Belloor.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 14, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost, Stolen, or Destroyed

The Government Promissory Note No. 060508, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of Bisseshur Bose, and last endorsed to Monsah Churn Chatterjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

NOBIN CHAND HALDAR,

Care of Baboo Grish Chunder Chatterjee, Pleader, Munsif's Court, Howrah.

Stolen

The Government Promissory Note No. 078693, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of the National Bank of India, Limited, and last endorsed to Ramcoomar Chooramoney, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

RAMCOOMAR CHOORAMONEY,

of Belloor.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 21, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 009985, of the 4 per cent. of 1835-36, for Rs. 2,000, originally standing in the name of Meer Ahmud Ali, and last endorsed to Ahmud Ali, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

MOHOMED MEHDI,
Son and heir of Meer Ahmud Ali,
Lucknow.

Lost, Stolen, or Destroyed

The Government Promissory Note No. 060508, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of Bisseshur Bose, and last endorsed to Monsah Churn Chatterjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

NOBIN CHAND HALDAR,
Care of Baboo Grish Chunder Chatterjee,
Pleader, Munsif's Court, Howrah.

Stolen

The Government Promissory Note No. 078693, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of the National Bank of India, Limited, and last endorsed to Ramcoomar Chooramoney, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

RAMCOOMAR CHOORAMONEY,
of Belloor.

BENGAL CIVIL FUND.

At an Adjourned half-yearly General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall on Tuesday, the 10th August 1880.

PRESENT:—The Hon'ble W. F. McDonell, V.C.; the Hon'ble H. T. Prinsep; the Hon'ble L. R. Tottenham; the Hon'ble A. T. Maclean; J. Monro, Esq.; H. Beverley, Esq.; D. R. Lyall, Esq.; the Hon'ble J. O'Kinealy; J. Westland, Esq.; H. S. Beadon, Esq.; J. Scobell Armstrong, Esq.; H. J. S. Cotton, Esq.; C. A. Wilkins, Esq.; C. P. L. Macaulay, Esq.; C. W. Bolton, Esq.; H. M. Kisch, Esq.; H. Lee, Esq., and F. E. Pargiter, Esq.:—

The Hon'ble L. R. Tottenham in the Chair.

The following Report was submitted by the Managers:—

REPORT.

1. The Managers submit the proceedings for the past half-year for the consideration and sanction of the meeting.

2. Subject to the approval of the Subscribers, they have admitted to the benefits of the Fund the following families:—

Miss Dick	£100	The daughter of the late Mr. Abercromby Dick (an annuitant of 1857), who died in Scotland on the 13th December 1879.
[These were awarded before the abolition of the one-sixth deduction Rule, and are now given in full.] Mrs. Gribble	£300	The widow and one son of the late Mr. T. W. Gribble, who died at Calcutta on the 17th January last.
One child	„ 80	
	£380	
Less ⅙th under Rule 7 ...	£63 6s. 8d.	
Total	£316 13s. 4d.	
Mrs. Bradbury	£300	The widow and two sons of the late Mr. E. A. Bradbury, who died at Sooree (Beerbhoom) on the 31st January last.
Two children	„ 60	
	£360	
Less ⅙th under Rule 7	„ 60	
Total ...	£300	
Mrs. Geddes	£300	The widow and three children (one son and two daughters) of the late Mr. J. C. Geddes, who died at Mozufferpore on the 9th March last.
Three children	„ 150	
	£450	
Less ⅙th under Rule 7	„ 75	
Total ...	£375	
Mrs. Vaughan	£300	The widow of the late Mr. T. E. Vaughan, who died at Rampore Beauleah on the 30th May last.
Mrs. Devereux	£300	The widow of the late Hon'ble H. deB. Devereux (an annuitant of 1863), who died in London on the 19th May last.
Mrs. Raikes	£300	The widow and one daughter of the late Mr. H. T. Raikes (an annuitant of 1865), who died in England on the 24th May last.
One daughter	„ 100	
Total ...	£400	
Mr. Currie's eight children	£825	The family, four sons and four daughters, of the late Mr. R. G. Currie who died at Aligarh on the 13th June last.

3. The votes of Subscribers have affirmed the resolutions passed at the General Meeting of 31st January last in regard to the disposal of the surplus which was declared to be available

for the purpose of providing additional benefits to the members of the service and their families.

The voting was as follows:—

		For.	Against.
(1)	Remission of annuitants' subscriptions for wives and children existing at the time of retirement, and for children born of such wives after retirement	175	12
(2)	Modification of the rule regarding minimum payments in the case of invalid annuitants so as to secure half benefits in all cases to their wives and children existing at the time of retirement, and to children born of such wives after retirement	185	4
(3)	Donation of £300 to the family of a subscriber dying in the service, and of £200 to the family of subscriber dying after retirement ...	188	1
(4)	Increase of the allowances of motherless orphans by 50 per cent. ...	187	2
(5)	Increase of sons' allowances by £50 between the ages of 16 and 21 ...	186	2
(6)	Abolition of the rule regarding one-sixth deductions	181	2
(7)	Retrospective effect from 1st April 1878	181	6

The Actuary's further report, however, shows that in his opinion it would be unsafe to introduce all these new benefits and at the same time to give them retrospective effect from 1st April 1878. The Managers have accordingly, after careful consideration, decided that it will be best for the present to continue to require subscriptions from annuitants to the ordinary or 8 per cent. branch. The following circular has been addressed to the subscribers:—

Calcutta, the 14th July 1880.

SIR,

AT the last general meeting of the subscribers it was decided to introduce certain alterations in the rules with retrospective effect from 31st March 1878, and this decision has been confirmed by the votes of the subscribers at large under Art. XVII of the rules. It was, however, understood that the continuance of the increased benefits would be dependent upon the result of the Actuary's valuation, and that they would be withdrawn in the event of his reporting that the Fund cannot afford them.

2. I am now directed to forward to you a copy of Mr. Sutton's report on the proposals for the appropriation of the surplus, in which the Managers are pleased to find so full a justification of the course they have adopted in pressing the matter to an early decision. You will observe that, while Mr. Sutton places a higher value upon the additions made to children's benefits, his report in all other respects confirms the valuations upon which the Managers acted. The final result, however, is to increase the figure (Rs. 1,80,000) at which the Managers placed the calculated deficit of the Fund, and in view of this he does not consider that retrospective effect could safely be given to all the benefits from 31st March 1878. He suggests two courses to place the Fund in safety—(1) to give effect to the additional benefits from 31st March 1880 only; (2) to retain subscriptions to the ordinary branch after retirement; and he favours the adoption of the first course. The Managers do not consider that they would be justified in acting in such a matter against the advice of their Actuary, but they believe that the sense of the service will be against the postponement of the provisions for increased benefits to the widows and children of subscribers, and they have decided to recommend that for the present subscriptions of annuitants to the ordinary branch shall be retained. Mr. Sutton finds that to give full effect to the decisions of the last general meeting would result in a deficit of Rs. 2,93,825 in the ordinary branch, on which Government pays 8 per cent. interest. This calculation will be subject to modification in consequence of the Managers' decision regarding the distribution of charges between the two branches. An adjustment should properly be made with effect from 1st April 1878; but as the accounts for 1878-79 have been closed, this is not possible. The Managers have, however, decided that the additional payments for 1878-79 shall be made entirely from the additional or five per cent. branch as a set-off against the excessive rate charged against the ordinary branch in that year. For 1879-80, and until further valuation, the Managers have fixed the proportion of charges at 68 to the ordinary branch and 32 to the additional. Even after these adjustments, however, the Managers apprehend that the deficiency on the Actuary's estimate would exceed the margin which they would have been prepared to recommend the subscribers to allow. The value of the 8 per cent. subscriptions of annuitants is Rs. 4,29,606, as calculated both by the Actuary and by Mr. Westland. Their retention would therefore place the fund considerably in surplus. The value of the subscriptions alone, which would have been refunded under this branch had it been possible to exempt annuitants wholly from 31st March 1878, is Rs. 71,466. Looking to all the circumstances, and recognizing that Mr. Sutton has throughout avowedly inclined to the safe side in framing his valuation, the Managers have little doubt that they will be in a position to recommend the total exemption of annuitants after the quinquennial valuation of 1883, and it is even possible that they may be able to propose this measure next year. For the present the effect of the recommendation is that annuitants will be exempted from "additional" contributions from 31st March

1878, but that they will continue to subscribe 1¼ per cent. to the ordinary branch. The Managers have no doubt that, under the circumstances of the case, the retired subscribers will acquiesce in this proposal, and that it will not be necessary again to amend Art. VIII to provide for it.

I am, &c.,
COLMAN MACAULAY,
Secretary, Bengal Civil Fund.

4. Miss Palmer has submitted the following application :—

TO THE MANAGERS OF THE BENGAL CIVIL FUND.

SIRS,

MAY I request the favour of your laying this appeal, in due course, before the Subscribers to the Bengal Civil Fund, for their liberal consideration; and if you feel able to recommend and support it, I shall indulge the hope of a favourable reply.

On the death of my father, a retired member of the Bengal Civil Service, in the year 1873, I was admitted to the benefits of the Bengal Civil Fund, and from that date I have received an allowance of £100 per annum under the provisions of the Fund.

My father was forty years in the service, and on his retirement in 1860, being then Civil Auditor, had paid, as I am instructed, nearly double the amount of the half value of his annuity, to which must be added the amount of his subsequent contributions to the Fund to the date of his death.

Some years after the death of my mother, my father married again in India, and his widow, my step-mother, is now on the Fund under the new rules.

Owing to the flourishing condition of the Fund, it has been* resolved to increase the present allowance of £100 per annum to the orphan daughters of subscribers to the Fund to £150, and the Managers would propose to extend this benefit to incumbent children becoming motherless after the 31st of March 1878.

* *Vide* Half-Yearly General Meeting of Subscribers to the Civil Fund at Calcutta on the 31st January 1880.

The proposed alteration in the existing rule, increasing the allowance of orphan daughters to the above extent if restricted to orphans becoming such after the year 1878, would seem to bar my claim to its benefit for the following reasons. My step-mother is still living and supported by the Fund, and my father died in 1873. But surely the fact of my having been an orphan for several years cannot weaken my claim to the indulgent consideration of the present members of the service, while it is strengthened by the circumstance of my never having resided at any time with my step-mother.

Under the above circumstances I cannot help hoping that if my appeal should seem to the Managers to be deserving of reference to the members of the service, it will be received by the latter with their accustomed liberality.

I do not suppose that there are many other cases, if indeed any, similar to mine, and considering that the proposed increase to orphan daughters will be paid out of a fund to the formation of which my father so very largely contributed, I do not feel that I am presuming too much in asking that the boon may be extended to me, and for which I shall for ever feel deeply grateful.

I am in the thirty-seventh year of my age, and, excepting the Civil Fund, have no other means of support and maintenance; while it is admitted by all that £100 per annum is barely sufficient for food and clothing.

The 26th May 1880.
17, Walterton-road, Harrow-road,
London W.

I am, &c.,
ALICE WILHELMINA PALMER.

The Managers have informed Miss Palmer that her case is excluded under the rule which provides for increased pension in the event only of the "wife or widow" of a deceased subscriber having died, and that, as cases of this description were carefully considered when the rules were amended, the Managers are not prepared to recommend the Subscribers to alter their decision.

5. The following letter has been received from the Government of India :—

No. 1588, dated Simla, the 6th July 1880.

From—S. JACOB, ESQ., Officiating Under-Secretary to the Government of India, Department of Finance and Commerce,

To—The Managers of the Bengal Civil Fund.

I AM directed to acknowledge the receipt of your Secretary's letter No. 250, dated 26th May last, reporting certain additions made to the benefits granted from the Bengal Civil Fund.

2. Your Secretary's letter will be forwarded to the Secretary of State in Council. Pending consideration of that letter by Her Majesty's Government, the Government of India should not be understood to have countenanced the grant of any privileged interest on the assets necessary to provide for these new benefits; or of the privileged exchange upon the remittance to England of funds required in order to give effect to them.

COPY forwarded to the Comptroller-General for information and guidance.

6. The Managers will propose the following amendments of the Rules :—

Article III.—Add "The term 'public emoluments' in this rule includes all fixed allowances received by subscribers employed out of India with the sanction of Government."

Article XXIII.—Omit from the beginning to the words "five Managers" inclusive, and substitute—

"The affairs of the Fund shall be conducted by a Committee of Managers composed as follows :—

(*a*)—Five *ex-officio* Managers, who shall be the first four of the following officers, not being elected Managers, who may for the time being be residing in, or in the neighbourhood of, Calcutta, provided such officers are subscribers to the Fund, viz.—

(1) The Senior Puisne Judge of the High Court of Fort William, who is a member of the Covenanted Civil Service.
(2) The Comptroller-General.
(3) The Accountant-General, Bengal.
(4) The Legal Remembrancer.
(5) The Collector of Customs.

(*b*)—The following officers, provided they are subscribers to the Fund, during such time as they may reside in, or in the neighbourhood of, Calcutta, viz.—

(1) The Secretary, Government of India, Home Department.
(2) The Secretary, Government of India, Financial Department.
(3) The Revenue Secretary to the Government of Bengal, or, in his absence, the Judicial Secretary, or, in the absence of both of these, the Financial Secretary.

(*c*)—Five elected Managers, who."

Proposed by *Mr. Alex. T. Maclean*, seconded by *Mr. H. Beverley*, and carried unanimously—

That the Manager's proceedings in admitting the families of the late Messrs. Abercromby Dick, T. W. Gribble, E. A. Bradbury, J. C. Geddes, T. E. Vaughan, Hon'ble H. deB. Devereux, H. T. Raikes, and R. G. Currie, to the benefits of the Fund, be confirmed.

Proposed by *Mr. D. R. Lyall*, seconded by *Mr. J. Monro*, and carried unanimously—

That the Manager's reply to Miss Palmer be approved.

Mr. Macaulay said that it might be convenient if he explained briefly the circumstances under which the Managers had found it desirable to propose the amendment of Art. III (4) of the rules. Art. XXXVI (37) provides that "if a subscriber to the Fund, continuing in the Civil Service and wishing to retain his interest in the Fund, shall have proceeded to, or remain in, Europe otherwise than on furlough or subsistence allowance, he shall be required, while absent from India, to pay to the Fund a monthly subscription equal to that which he would have been required to pay if on subsistence allowance." Obviously the intention of this rule was to enable officers compelled by special circumstances to remain in Europe out of employ to retain their interest in the Fund. The Fund could not suffer under its operation, as subscribers taking advantage of it would nevertheless have to serve in India on Indian pay the ordinary term for pension. Of late years, however, cases have arisen in which subscribers remain out of India neither on furlough nor on subsistence allowance, but on special duty under the Home or some foreign Government. In these cases service on this special duty is allowed to count for pension, and the Fund would obviously suffer if subscriptions were paid, not on the salary drawn, but on the sum which might be drawn by such a subscriber if he happened to be on subsistence allowance. In the opinion of the Managers, such cases do not even technically fall under Art. XXVI (37), but are governed by Art. III (4), under which subscribers are required to contribute on "their salaries and other authorized public emoluments," and they have ruled accordingly. Their ruling has not been disputed, but they think it desirable

that the meaning of Act III (4) should be made quite clear by the addition of the following clause :—

"*The term 'public emoluments' in this rule includes all fixed allowances received by subscribers employed out of India with the sanction of Government.*"

Proposed by *Mr. J. O'Kinealy*, seconded by *Mr. H. J. S. Cotton*, and carried unanimously—

That article III (4) of the Rules be amended as proposed.

The *Hon'ble W. F. McDonell* proposed that Article XXIII (24) of the rules be amended as suggested by the Managers. He explained that, under the present rule, great inconvenience was felt owing to changes in the management on the return of the Government of India from Simla each year. The Home and Financial Secretaries then became Managers, displacing the Collector of Customs. Mr. J. D. Maclean, who had been an *ex-officio* Manager in the latter capacity, had taken great interest in the administration of the Fund, and it was undesirable that an officer who had a knowledge of current questions connected with the management should be periodically displaced. Practical inconvenience, moreover, had been felt, a majority of the Managers in the cold weather taking a view different from that held by the majority in the middle of the year.

Mr. Cotton said that, in his opinion, the proposed rule would involve an undue preponderance of the official over the representative element. He saw no reason why any Secretary to the Government of Bengal should be an *ex-officio* Manager, and he thought that, as the Comptroller-General stood second in the list, the Accountant-General might well stand last. The office of Accountant-General was not necessarily, and indeed was not at present, held by a subscriber to the Fund. He also considered that an elected Manager should resign on succeeding to an appointment which qualified him to become an *ex-officio* Manager. He was quite aware of the importance of securing continuity in the management, but he held that this could be effected without making such a large addition to the number of *ex-officio* Managers.

Mr. Westland observed that, with one or two possible exceptions, the *ex-officio* Managers were just as much representatives of the service as those who were annually elected.

Some discussion took place regarding the order in which the officers mentioned in clause (*a*) should stand. *Mr. Beadon* suggested that the officers should become eligible for *ex-officio* managership according to priority of date of succession to the qualifying appointment. After some discussion, in which *Messrs. McDonell, O'Kinealy, Beverley, Lyall*, and *Macaulay* took part, *Mr. Cotton* proposed the following amendment, which was accepted by *Mr. McDonell* and carried unanimously :—

Art. XXIII (24) *shall be amended as follows* :—

The affairs of the Fund shall be conducted by a Committee of Managers composed as follows :—

(*a*).—Seven *ex-officio* Managers as specified below, or so many of them as may for the time being be residing in, or in the neighbourhood of, Calcutta, provided such officers are subscribers to the Fund, viz :—

(1) The senior Puisne Judge of the High Court of Fort William, who is a member of the Covenanted Civil Service.
(2) The Secretary, Government of India, Home Department.
(3) The Secretary, Government of India, Financial Department.
(4) The Comptroller-General.
(5) The Accountant-General, Bengal.
(6) The Legal Remembrancer.
(7) The Collector of Customs.

(*b*).—Five elected Managers, who shall be subscribers and shall be elected at a General Meeting of subscribers to be held in January of each year in Calcutta. Any elected Manager taking leave for a period of, or exceeding, six months, shall be held to have resigned his office.

Provided that the elected Managers shall not be chosen from among the *ex-officio* Managers, and in the event of an elected Manager being appointed to an office, in virtue of which he becomes an *ex-officio* Manager, for a period exceeding three months, he shall be held to have resigned his office as an elected Manager; and the Managers shall thereupon in this case, as well as in the case referred to in the above preceding clause of an elected Manager taking leave for a period of, or exceeding, six months, proceed to elect a Manager in his place from among the subscribers, and shall duly report the same for the approval of subscribers at the next General Meeting.

Proposed by *Hon'ble W. F. McDonell*, seconded by *Mr. H. J. S. Cotton*, and carried—

That Mr. J. Monro be elected a Manager to fill an existing vacancy.

After a vote of thanks to the Chair the meeting separated.

COLMAN MACAULAY,
Secretary.

L. R. TOTTENHAM,
Chairman.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 28, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

In the High Court of Judicature at Fort William in Bengal, Ordinary Original Civil Jurisdiction.

IN THE MATTER OF THE INDIAN COMPANIES' ACT, 1866, AND OF THE CALCUTTA JUTE MILLS COMPANY, LIMITED.

The High Court of Judicature at Fort William in Bengal has by an order, dated the 26th day of July 1880, appointed Alexander Rankin McIntosh, of Calcutta, a member of the firm of Messrs. A. R. McIntosh & Co., Merchants and Agents, to be the Official Liquidator of the above-named Company.

Dated this 18th day of August 1880.

R. BELCHAMBERS,
Registrar.

JOSCELINE F. WATKINS,
Attorney.

HINDU FAMILY ANNUITY FUND.

The following Resolutions passed at the adjourned Special General Meeting of the Subscribers held on the 17th July 1880, is published for general information :—

"That an additional grant of Rs. 100, for payment to the Auditors of the Accounts of 1878-79, be sanctioned.

"That the other supplementary grants, *viz.*, Rs. 70 under Medical Fees, Rs. 100 under Printing Charges, and Rs. 45 under Miscellaneous Charges, *viz.*, Rs. 30 for Stamps and Rs. 15 for Contingencies, making the total supplementary grant for 1880-81 Rs. 315, as proposed by the Directors, be sanctioned."

RAMSHUNKER SEN,
Chairman.

PREONATH DUTT,
Secretary.

NOTICE

Is hereby given that the interest and responsibility of Mr. John Halliday in the firm of Bulloch Brothers & Co., Rangoon, Akyab, Bassein, Chittagong and Moulmein, has ceased as from the 14th instant, and that his interest and responsibility in the firm of J. & G. Bulloch & Co., London, will cease as from the 30th October next.

The several business will be carried on henceforth, under the same styles as heretofore, by the remaining partners :—

George Bulloch, James Henderson, James Dickie, James Mathew Leishman, John Ferrie, William Allan Carswell Hardie, William Charles Grieve, John Mitchell Anderson, Charles Watson Robertson, and James George Grieve.

Dated this 16th day of August 1880.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 102273, of the 4 per cent. of 1865, for Rs. 1,000, originally standing in the name of Coomar Sen Goya Prosad, and last endorsed to Rakhal Chunder Dutt, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

RAKHAL CHUNDER DUTT,
65, Mooktaram Baboo's Street.

Lost

The Government Promissory Note No. $\frac{061360}{042482}$, of the reduced 4 per cent. Loan of 16th January 1879, for Rs. 500, originally standing in the name of T. Alamalammah, administratrix of T. Streeneva-

sacharryar, and last endorsed to Mysore Streenevasa Row, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

MYSORE STREENEVASA ROW,
Rayalcherroo, Bellary District,
in the Madras Presidency.

Lost or Stolen

The Government Promissory Note No. 009985, of the 4 per cent. of 1835-36, for Rs. 2,000, originally standing in the name of Meer Ahmud Ali, and last endorsed to Ahmud Ali, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

MOHOMED MEHDI,
Son and heir of Meer Ahmud Ali,
Lucknow.

Lost, Stolen, or Destroyed

The Government Promissory Note No. 060508, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of Bisseshur Bose, and last endorsed to Monsah Churn Chatterjee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

NOBIN CHAND HALDAR,
Care of Baboo Grish Chunder Chatterjee,
Pleader, Munsif's Court, Howrah.

Stolen

The under-mentioned two Government Promissory Notes, originally standing in the name of C. Lutchmana Row, and last blank endorsed by the National Bank of India, Limited:—

No. 066105, of 4 per cent. reduced loan of 1879, for Rs. 500.

No. 066106, of 4 per cent. reduced loan of 1879, for Rs. 600.

Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favor of the proprietor.

COOLATHOOR COOMARASAWMY CHETTY,
Mint Street, Black Town, Madras.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 4, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

In the High Court of Judicature at Fort William in Bengal, Ordinary Original Civil Jurisdiction.

IN THE MATTER OF THE INDIAN COMPANIES' ACT, 1866, AND OF THE CALCUTTA JUTE MILLS COMPANY, LIMITED.

The High Court of Judicature at Fort William in Bengal has by an order, dated the 26th day of July 1880, appointed Alexander Rankin McIntosh, of Calcutta, a member of the firm of Messrs. A. R. McIntosh & Co., Merchants and Agents, to be the Official Liquidator of the above-named Company.

Dated this 18th day of August 1880.

R. BELCHAMBERS,
Registrar.

JOSCELINE F. WATKINS,
Attorney.

BENGAL CIVIL FUND.

A Special General Meeting of the Subscribers to the Bengal Civil Fund will be held at the Town Hall, Calcutta, at 10-30 A.M., on Monday, 22nd November.

The Managers will propose that so much of the amendment of Article VIII of the rules adopted at the Half-yearly General Meeting, held on 31st January last, as regards the subscriptions of annuitants to the Ordinary Branch of the Fund, be held in abeyance.

COLMAN MACAULAY,
Secretary.

PORT COMMISSIONERS' OFFICE.

DEBENTURE LOAN.

The Calcutta Port Improvement Act, 1870, Act V (B.C.) of 1870, and the Calcutta Port Improvement Act Amendment Act, 1880, Act IV (B.C.) of 1880. Issue of Rs. 5,00,000, 4½ per cent. debentures having a currency of thirty years.

Tenders are invited for five lakhs of Rupees in 4½ per cent. debentures to be issued under the provisions of sections 9, 10 and 12 of Act IV of 1880 to provide for the cost of works sanctioned by His Honor the Lieutenant-Governor of Bengal, which loan and the interest thereon will be a charge on the property of the Commissioners.

The debentures will be for sums of Rs. 100 each, or multiples of Rs. 100, as may be desired, made payable to order, and carrying interest at the rate of 4½ per cent. per annum, payable half-yearly, on the 1st day of January and 1st day of July, at the office of the Port Commissioners upon presentation of the debentures. Two per cent. of the amount tendered for to be paid on application and the balance on the 1st day of October 1880, from which date interest will run.

The deposit of two per cent. will be returned if an allotment is not made, and it will be forfeited if an allotment, after being made, is not fully taken up.

In case a less number of debentures is allotted than is applied for, the excess of the deposit will be applied in, or towards payment of, the balance due upon such number as may be allotted.

Tenders in the annexed form should be filled up and sent to the Secretary to the Port Commissioners before 3 o'clock P.M. of Friday, the 17th day of September, accompanied by a receipt from the Bank of Bengal for a deposit of 2 per cent. upon the amount of each debenture applied for. The tenders will be opened in the presence of the Port Commissioners.

The minimum rate at which tenders will be accepted will be recorded under the signature of the Chairman, and before the tenders are opened, but will not be made public unless some tender is rejected, only because it is below the recorded minimum.

Forms of tenders can be obtained on application to the Secretary to the Port Commissioners, and the form of debentures can be seen at the office of the Secretary.

G. H. SIMMONS,
Secy. to the Port Commissioners.

The 27th August 1880.

FORM OF TENDER.

PORT TRUST 4½ PER CENT. LOAN OF 1880.

To—The Secretary, Port Commissioners.

I beg to apply for debentures of Rs. each of the above issue in the terms of the advertisement issued by you, dated August 27th, 1880, and I send herewith a receipt from the Bank of Bengal for Rs. being 2 per cent. deposit per debenture, and I undertake to accept the same or any less number the Commissioners may allot to me, and to make the full payment in respect thereof to the Bank of Bengal on or before the 1st of October 1880.

Yours, &c.,

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 102273, of the 4 per cent. of 1865, for Rs. 1,000, originally standing in the name of Coomar Sen Goya Prosad, and last endorsed to Rakhal Chunder Dutt, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

RAKHAL CHUNDER DUTT,
65, Mooktaram Baboo's Street.

Lost

The Government Promissory Note No. $\frac{061360}{042482}$, of the reduced 4 per cent. Loan of 16th January 1879, for Rs. 500, originally standing in the name of T. Alamalammah, administratrix of T. Streenevasacharryar, and last endorsed to Mysore Streenevasa Row, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

MYSORE STREENEVASA ROW,
Rayalcherroo, Bellary District, in the Madras Presidency.

Lost or Stolen

The Government Promissory Note No. 009985, of the 4 per cent. of 1835-36, for Rs. 2,000, originally standing in the name of Meer Ahmud Ali, and last endorsed to Ahmud Ali, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

MOHOMED MEHDI,
Son and heir of Meer Ahmud Ali, Lucknow.

Stolen

The under-mentioned two Government Promissory Notes, originally standing in the name of C. Lutchmana Row, and last blank endorsed by the National Bank of India, Limited:—

No. 066105, of 4 per cent. reduced loan of 1879, for Rs. 500.

No. 066106, of 4 per cent. reduced loan of 1879, for Rs. 600.

Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favor of the proprietor.

COOLATHOOR COOMARASAWMY CHETTY,
Mint Street, Black Town, Madras.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 11, 1880.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PORT COMMISSIONERS' OFFICE.

DEBENTURE LOAN.

The Calcutta Port Improvement Act, 1870, Act V (B.C.) of 1870, and the Calcutta Port Improvement Act Amendment Act, 1880, Act IV (B.C.) of 1880. Issue of Rs. 5,00,000, 4½ per cent. debentures having a currency of thirty years.

Tenders are invited for five lakhs of Rupees in 4½ per cent. debentures to be issued under the provisions of sections 9, 10 and 12 of Act IV of 1880 to provide for the cost of works sanctioned by His Honor the Lieutenant-Governor of Bengal, which loan and the interest thereon will be a charge on the property of the Commissioners.

The debentures will be for sums of Rs. 100 each, or multiples of Rs 100, as may be desired, made payable to order, and carrying interest at the rate of 4½ per cent. per annum, payable half-yearly, on the 1st day of January and 1st day of July, at the office of the Port Commissioners upon presentation of the debentures. Two per cent. of the amount tendered for to be paid on application and the balance on the 1st day of October 1880, from which date interest will run.

The deposit of two per cent. will be returned if an allotment is not made, and it will be forfeited if an allotment, after being made, is not fully taken up.

In case a less number of debentures is allotted than is applied for, the excess of the deposit will be applied in, or towards payment of, the balance due upon such number as may be allotted.

Tenders in the annexed form should be filled up and sent to the Secretary to the Port Commissioners before 3 o'clock P.M. of Friday, the 17th day of September, accompanied by a receipt from the Bank of Bengal for a deposit of 2 per cent. upon the amount of each debenture applied for. The tenders will be opened in the presence of the Port Commissioners.

The minimum rate at which tenders will be accepted will be recorded under the signature of the Chairman, and before the tenders are opened, but will not be made public unless some tender is rejected, only because it is below the recorded minimum.

Forms of tenders can be obtained on application to the Secretary to the Port Commissioners, and the form of debentures can be seen at the office of the Secretary.

G. H. SIMMONS,
Secy. to the Port Commissioners.

The 27th August 1880.

FORM OF TENDER.

PORT TRUST 4½ PER CENT. LOAN OF 1880.

To—The Secretary, Port Commissioners.

I beg to apply for debentures of Rs. each of the above issue in the terms of the advertisement issued by you, dated August 27th, 1880, and I send herewith a receipt from the Bank of Bengal for Rs. being 2 per cent. deposit per debenture, and I undertake to accept the same or any less number the Commissioners may allot to me, and to make the full payment in respect thereof to the Bank of Bengal on or before the 1st of October 1880.

Yours, &c.,

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 102273, of the 4 per cent. of 1865, for Rs. 1,000, originally standing in the name of Coomar Sen Goya Prosad, and last endorsed to Rakhal Chunder Dutt, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and

the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

RAKHAL CHUNDER DUTT,
65, Mooktaram Baboo's Street.

Lost

The Government Promissory Note No. $\frac{061360}{042482}$, of the reduced 4 per cent. Loan of 16th January 1879, for Rs. 500, originally standing in the name of T. Alamalammah, administratrix of T. Streenevasacharryar, and last endorsed to Mysore Streenevasa Row, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

MYSORE STREENEVASA ROW,
Rayalcherroo, Bellary District,
in the Madras Presidency.

Stolen

The under-mentioned two Government Promissory Notes, originally standing in the name of C. Lutchmana Row, and last blank endorsed by the National Bank of India, Limited:—

No. 066105, of 4 per cent. reduced loan of 1879, for Rs. 500.

No. 066106, of 4 per cent. reduced loan of 1879, for Rs. 600.

Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicates in favor of the proprietor.

COOLATHOOR COOMARASAWMY CHETTY,
Mint Street, Black Town, Madras.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 18, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of Votes on the question submitted in the Circular Letter No. 4, dated 5th June 1880.

Subject.	For the proposition.	Against the proposition.
To grant Mr. Andrews a retiring allowance of Rs. 100 a month.	630 wholly. 4 partly.	205

By order of the Directors,
W. H. RYLAND,
Secretary.

UNCOVENANTED SERVICE FAMILY PENSION FUND OFFICE;
15, KYD STREET, CALCUTTA,
The 11th September 1880.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. $\frac{096653}{044356}$, of the 4 per cent. Loan of 1865, for Rs. 1,000, originally standing in the name of V. Varddarajiah and lastly blank endorsed by the Agra Bank, Limited. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

For the National Bank of India, Limited,
JOHN KYD, *Manager,*
No. 100, Armenian Street,
Black Town, Madras.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 25, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. $\frac{096052}{044856}$, of the 4 per cent. Loan of 1865, for Rs. 1,000, originally standing in the name of V. Varddarajiah and lastly blank endorsed by the Agra Bank, Limited. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

For the National Bank of India, Limited,

JOHN KYD, *Manager*,

No. 100, Armenian Street,
Black Town, Madras.

Lost

The under-noted Government Promissory Notes of the 4 per cent. Loan, for Rs. 7,800, originally standing in the names of persons specified against each, and last endorsed to Ram Taruck Mookerjee, Am-Mooktear for the proprietress, Nobin Cally Dabee, by whom they were never endorsed to any other person. Payment of the above Notes and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietress :—

	Names of the Registered Proprietors.
No. 004612, of 1842-43, for Rs. 1,400.	Kally Doss Mozoomdar.
No. 004613, of 1842-43, for Rs. 1,200.	Kally Doss Mozoomdar.
No. 004614, of 1842-43, for Rs. 1,000.	Kally Doss Mozoomdar.
No. 028852, of 1854-55, for Rs. 500.	Nobin Cally Dabee.
No. 019149, of 1854-55, for Rs. 1,000.	Kally Doss Mozoomdar.
No. 000943, of 1854-55, for Rs. 500.	Modoo Soodun Mookerjee.
No. 016488, of 1865, for Rs. 600.	Doyal Chand Sen.
No. 035536, of 1865, for Rs. 500.	Ram Comul Banerjee.
No. 9246, of 1854-55, for Rs. 500.	Modoo Soodun Mookerjee.
No. 1034, of 1865, for Rs. 600.	Modoo Soodun Mookerjee.

NOBIN CALLY DABEE,

Widow of the late Kally Doss Mozoomdar.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 2, 1880.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. $\frac{096652}{044356}$, of the 4 per cent. Loan of 1865, for Rs. 1,000, originally standing in the name of V. Varddarajiah and lastly blank endorsed by the Agra Bank, Limited. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietor.

For the National Bank of India, Limited,

JOHN KYD, *Manager,*

No. 100, Armenian Street,
Black Town, Madras.

Lost

The under-noted Government Promissory Notes of the 4 per cent. Loan, for Rs. 7,800, originally standing in the names of persons specified against each, and last endorsed to Ram Taruck Mookerjee, Am-Mooktear for the proprietress, Nobin Cally Dabee, by whom they were never endorsed to any other person. Payment of the above Notes and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietress:—

	Names of the Registered Proprietors.
No. 004612, of 1842-43, for Rs. 1,400.	Kally Doss Mozoomdar.
No. 004613, of 1842-43, for Rs. 1,200.	Kally Doss Mozoomdar.
No. 004614, of 1842-43, for Rs. 1,000.	Kally Doss Mozoomdar.
No. 028852, of 1854-55, for Rs. 500.	Nobin Cally Dabee.
No. 019149, of 1854-55, for Rs. 1,000.	Kally Doss Mozoomdar.
No. 000943, of 1854-55, for Rs. 500.	Modoo Soodun Mookerjee.
No. 016488, of 1865, for Rs. 600.	Doyal Chand Sen.
No. 035536, of 1865, for Rs. 500.	Ram Comul Banerjee.
No. 9246, of 1854-55, for Rs. 500.	Modoo Soodun Mookerjee.
No. 1034, of 1865, for Rs. 600.	Modoo Soodun Mookerjee.

NOBIN CALLY DABEE,
Widow of the late Kally Doss Mozoomdar.

Stolen

The under-mentioned two Government Promissory Notes, standing in the name of Moongamoor Nursimharow, the proprietor, by whom they were never endorsed to any other person. Payment of these Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor:—

No. $\frac{018972}{11365}$, of 4 per cent. loan of 1854-55, dated 30th June 1854, for Rs. 4,600.

No. 025798, of 4½ per cent. portion of 1879, dated 15th March 1879, for Rs. 500.

MOONGAMOOR NURSIMHAROW.

NELLORE;
MOONGAMOORIVARI STREET,
The 23rd September 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 9, 1880.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The under-noted Government Promissory Notes of the 4 per cent. Loan, for Rs. 7,800, originally standing in the names of persons specified against each, and last endorsed to Ram Taruck Mookerjee, Am-Mooktear for the proprietress, Nobin Cally Dabee, by whom they were never endorsed to any other person. Payment of the above Notes and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietress :—

	Names of the Registered Proprietors.
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No. 004613, of 1842-43, for Rs. 1,200.	Kally Doss Mozoomdar.
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No. 9246, of 1854-55, for Rs. 500.	Modoo Soodun Mookerjee.
No. 1034, of 1865, for Rs. 600.	Modoo Soodun Mookerjee.

NOBIN CALLY DABEE,
Widow of the late Kally Doss Mozoomdar.

Stolen

The under-mentioned two Government Promissory Notes, standing in the name of Moongamoor Nursimharow, the proprietor, by whom they were never endorsed to any other person. Payment of these Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor :—

No. $\frac{018972}{11365}$, of 4 per cent. loan of 1854-55, dated 30th June 1854, for Rs. 4,600.

No. 025798, of 4½ per cent. portion of 1879, dated 15th March 1879, for Rs. 500.

MOONGAMOOR NURSIMHAROW.
NELLORE;
MOONGAMOORIVARI STREET,
The 23rd September 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 16, 1880.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen

The under-mentioned two Government Promissory Notes, standing in the name of Moongamoor Nursimharow, the proprietor, by whom they were never endorsed to any other person. Payment of these Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favor of the proprietor :—

No. $\frac{018972}{11365}$, of 4 per cent. loan of 1854-55, dated 30th June 1854, for Rs. 4,600.

No. 025798, of 4½ per cent. portion of 1879, dated 15th March 1879, for Rs. 500.

MOONGAMOOR NURSIMHAROW.

NELLORE;
MOONGAMOORIVARI STREET,
The 23rd September 1880.

Mislaid

The under-mentioned Government Promissory Notes of the 4 per cent. loan, as specified below, have been mislaid, and the loss reported to the Comptroller General. Payment of these Notes and the interest thereon have been stopped :—

No.	Date.	Amount. Rs.
033077	1865	1,000
026924	1842-43	1,000
012324	1835-36	500
060301	1865	500
14255	1835-36	1,000
098046	1865	1,000
069365	1865	500
069366	1865	500
093474	1865	500
090035	1842-43	100
009983	1842-43	1,000
109823	1865	1,000
090124	1842-43	2,000
121875	1865	500
009445	1879 (16th January 1879)	2,000.

These notes were last endorsed by the Inspector General, Military Works, in favor of the Comptroller General, Calcutta, by whom they have not been endorsed to any other person.

E. A. TREVOR, *Capt., R.E.,*
Examiner of Accounts, Military Works.

SIMLA,
The 8th October 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 23, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The upper halves of the following Government Promissory Notes:—

No. A005090, dated 16th of January 1879, 4 per cent. Government Promissory Note, for Rs. 5,000.

No. A009862, dated 16th of January 1879, 4 per cent. Government Promissory Note, for Rs. 2,000.

The half Notes were received from the [illegible] Bengal, Lucknow; they were [illegible] back to me as Deputy Inspector [illegible] Police, North-Western Provinces, [illegible] were endorsed to the Inspector General of [illegible] North-Western Provinces and Oudh.

P. C. DALMAHOY, *Lieut.-Col.*,

Depy. Inspr. Genl. of Police, N.-W. P.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 23, 1880.

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Advertisements and Notices by Private Individuals and Corporations.

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P. C. DALMAHOY, *Lieut.-Col.*,

Depy. Inspr. Genl. of Police, N.-W. P.

The Gazette of India

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 30, 1880.

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PART III.

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P. C. DALMAHOY, *Lieut.-Col.,*
Depy. Inspr. Genl. of Police, N.-W. P.

Lost

The Government Promissory Note No. 050218, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of Deb Nath Sreemany, and last endorsed to Kadumbiny Dassi, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application will be made for the issue of duplicate in favor of the proprietress.

KADUMBINY DASSI,
Bansbariah, Zillah Hooghly.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 6, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

Estate, J. CORFIELD & Co., Chemists, &c., Calcutta.

NOTICE TO DEBTORS.

Notice is hereby given that by Indenture of Mortgage, dated the 18th day of February 1876, and made between James Henry Elias Beer, carrying on business at Calcutta under the style or firm of "J. Corfield & Co.," of the one part and me the undersigned John Mackintosh of the other part, the said James Henry Elias Beer, for the valuable consideration therein mentioned assigned unto me, the said John Mackintosh (amongst other things) all book and other debts then or at any time thereafter during the subsistence of that security due and owing to him on account of the said trade or business of "J. Corfield & Co.," and all securities for the same and appointed me the said John Mackintosh his lawful attorney for him and in his name or in the name of his said firm of "J. Corfield & Co.," or otherwise to recover and receive the same and from time to time to appoint a substitute or substitutes.

And notice is hereby given to all persons indebted to the said James Henry Elias Beer, in his said firm of "J. Corfield & Co.," and they are hereby required, not to make payment of such debts or of any part thereof to the said James Henry Elias Beer, or to any person or persons whomsoever save to me the said John Mackintosh or to my duly appointed attorney or substitute, and such persons are hereby required to forthwith make payment to me the said John Mackintosh of all such debts as aforesaid.

Dated this 2nd day of November 1880.

JOHN MACKINTOSH.

17, Old Court House Street, Calcutta.

PROMISSORY NOTES.

Lost

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No. A005090, dated 16th of January 1879, 4 per cent. Government Promissory Note, for Rs. 5,000.

No. A009862, dated 16th of January 1879, 4 per cent. Government Promissory Note, for Rs. 2,000.

The half Notes were received from the Bank of Bengal, Lucknow; they were endorsed by the Bank to me as Deputy Inspector General of Police, North-Western Provinces, and by me were endorsed to the Inspector General of Police, North-Western Provinces and Oudh.

P. C. DALMAHOY, *Lieut.-Col.,*
Depy. Inspr. Genl. of Police, N.-W. P.

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The Government Promissory Note No. 050218, of the 4 per cent. of 1st May 1865, for Rs. 500, originally standing in the name of Deb Nath Sreemany, and last endorsed to Kadumbiny Dassi, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietress.

KADUMBINY DASSI,
Bansbariah, Zillah Hooghly.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 27, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

BENGAL CIVIL FUND.

NOTICE.

The Half-yearly General Meeting of Subscribers to the Bengal Civil Fund will be held at the Town Hall on Monday, the 31st January next, at 4 P.M., for the reception of the annual accounts, for the election of Managers for the ensuing year, and for the consideration of any other business that may be brought forward.

MR. H. J. S. Cotton has given notice that he will move:—

I.—That retrospective effect be given to the additional benefits sanctioned at the General Meeting of the 31st January 1880, to the families of deceased Subscribers as follows:—

Widow and one daughter of V. IRWIN, died 15th August 1873, at Cuttack.
,, and one son of J. S. CARSTAIRS, died 8th October 1873, in Germany.
,, of T. H. H. SHORTT, died 8th October 1873, at Mymensingh.
,, two sons and six daughters of A. ABERCROMBIE, died 30th December 1873, at Dacca.
,, two sons and one daughter of J. G. ROBERTSON, died 28th December 1873, at Futtehgurh.
,, of J. H. RAVENSHAW, who died 4th March 1874, in France.
,, one son and four daughters of F. J. ALEXANDER, died 3rd May 1874, at Maldah.
,, and one daughter of H. LEP. WYNNE, died 4th May 1874, at Calcutta.
,, and two sons of W. J. RIVETT-CARNAC, died 9th July 1874, at Nynee Tal.
,, two sons and one daughter of D. J. MACNEILE, died 31st August 1874, in England.
,, and one daughter of J. WARD, died 22nd November 1874, at Rampore Beauleah.
,, three sons and two daughters of E. MACNAGHTEN, died 18th March 1875, at Allahabad.
,, two sons and one daughter of E. H. HARRISON, died 5th June 1875, at Simla.
,, and two daughters of S. WAUCHOPE, died 23rd July 1875, in England.
,, of E. MONTAGUE, died 31st August 1875, at Allyghur.
,, and two daughters of F. POLLEN, died 11th February 1876, at Bolundshuhr.
,, three sons and three daughters of A. B. FALCON, died 5th May 1876, at sea.
,, one son and one daughter of W. L. HEELEY, died— 1876, in England.
One son of C. W. CARPENTER, died 5th March 1876, at Seetabuldee.
Widow, three sons and one daughter of C. P. ELLIOTT, died 1st July 1876, in England.
,, one son and two daughters of F. A. B. GLOVER, died 11th August 1876, at Galle.
,, of T. WALTON, died 17th October 1876, in England.
,, one son and five daughters of R. H. CLIFFORD, died 21st August 1876, at Almorah.
,, of G. E. MAKGILL, died 3rd August 1877, in England.
,, and one daughter of J. GEOGHEGAN, died 2nd October 1877, in Europe.
,, three sons and five daughters of A. R. S. POLLOCK, died 3rd October 1877, in England.
,, one son and three daughters of V. H. SCHALCH, died 3rd December 1877, in England.
,, and two daughters of D. D. M. CAMPBELL, died 5th February 1878, at Kumaon.
,, two sons and two daughters of V. T. TAYLOR, died 9th March 1878, at Hazaribagh.

II.—That the family of MR. G. K. WEBSTER, an invalid annuitant of 1877, be entitled to participate in the additional benefits sanctioned at the General Meeting of the 31st January 1880.

By Order of the Managers,

COLMAN MACAULAY,
Secretary.

CALCUTTA,
The 23rd November 1880.

PROMISSORY NOTES.

Stolen

The Government Promissory Notes Nos. 106893 to 106896 of the 4 per cent. loan of 1st May 1865, for Rs. 1,000 each, originally standing in the name of The National Bank of India, Limited, and last endorsed to Gullalchund Heerjee Kothra, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicates in favor of the proprietor.

GULLALCHUND HEERJEE KOTHRA,
Care of Sha Tejpall Khetsey,
Opposite to Victoria Garden, Bombay.

The Gazette of India

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 4, 1880.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Stolen

The Government Promissory Notes Nos. 106893 to 106896 of the 4 per cent. loan of 1st May 1865, for Rs. 1,000 each, originally standing in the name of The National Bank of India, Limited, and last endorsed to Gullalchund Heerjee Kothra, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicates in favor of the proprietor.

GULLALCHUND HEERJEE KOTHRA,
Care of Sha Tejpall Khetsey,
Opposite to Victoria Garden, Bombay.

NOTICE.

All persons having claims against the Estate of the late Frederick Townley Dowding, Esq., Tutor to His Highness the Nizam, are requested to send the same to the under-mentioned, within one month from this date :—

ADMINISTRATOR GENERAL, MADRAS.

The 15th November 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 11, 1880.

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PART III.

Advertisements and Notices by Private Individuals and Corporations

BENGAL CIVIL FUND.

Report of the Proceedings at the Special General Meeting held at the Town Hall, at 10-30 A.M., *on Monday, 22nd November* 1880.

PRESENT:—Hon'ble W. F. McDonell, V.C.; Hon'ble H. T. Prinsep; T. T. Allen, Esq.; E. G. Glazier, Esq.; J. Westland, Esq.; C. F. Magrath, Esq.; H. J. S. Cotton, Esq.; Jas. Crawfurd, Esq.; C. A. Wilkins, Esq.; W. H. Page, Esq.; C. Macaulay, Esq.; J. A. Bourdillon, Esq.; C. W. Bolton, Esq.; H. M. Kisch, Esq.; and H. Lee, Esq.

Hon'ble H. T. Prinsep in the Chair.

THE *Chairman* read the notice convening the Meeting.

Mr. Cotton suggested that in proposing the resolution, of which notice had been given, the opportunity should be taken on the part of the Management to explain more fully than had been done in recent circulars the history of the proposal to exempt Annuitants from subscription, and that in particular some further explanation might be given to the Service of the remark contained in the Managers' circular of the 24th August 1880, that "the Managers have steadily recognized that the Subscribers are committed to the grant of relief to Annuitants." He was sure that a clear account of the facts now would save trouble and unnecessary correspondence hereafter.

Mr. Westland moved the following resolution on the part of the Managers:—

"That so much of the amendment of Article VIII of the rules, adopted at the Half-yearly General Meeting held on 31st January last, as regards the subscriptions of Annuitants to the Ordinary Branch of the Fund be held in abeyance."

He said it would probably be necessary to explain how it came about that the Managers, after having proposed to the Service certain increases of benefits in January, found it necessary, before the year was out, to come again before the Service with proposals to keep part of their own plan in abeyance

The question of increase of benefits had really been before the Service ever since 1873, in which year the Managers laid certain resolutions before a General Meeting; but these propositions were then rejected in favour of an amendment by Mr. Cotton that nothing should be done till an Actuary's report on the state of the Fund was received. Various circumstances delayed that report, so that it was received only in 1879, and the Managers, considering the state of the Fund on this report, had to choose whether they should bring their proposals for increase of benefits before the Service on such calculations as they had themselves the means of making, or whether they should make a further [illegible] to the Actuary. The possibility of further indefinite delay in the event of the latter being adopted, and what the Managers believed to be a manifest desire on the part of the Service that a matter so long under discussion should be pressed to a settlement, and that benefits so [illegible] prospect should no longer be withheld, determined the Managers to make their proposals at once, on the understanding that the Actuary should be immediately consulted; and the votes of the Service approved this course.

The Actuary's report was received with unexpected promptness in July, and it showed that, in his opinion, the Managers' proposals had gone a little too far. So little, however, that it was really open to doubt whether, all things considered, it was necessary for the Managers to retrace their steps. The Managers, however, thought that, viewing the extreme importance of the interests committed to their care, they ought not to oppose their own confidence in the position of the Fund to the professional advice of their Actuary, and resolved at once to submit to the Service such modifications as it appeared necessary to make in their original proposals.

In determining in what particular part of the January proposals a modification might best be made, they considered that the positive benefits added to the list were far too valuable possessions to be given up, if it could possibly be avoided, and thought that it would in every way involve less of hardship if they were to keep in abeyance for a short time (he hoped it would be a short time only) part of the reduction they had proposed in Annuitant subscriptions. They were strengthened in this opinion by observing that this reduction of subscription was the only one of their proposals which, when submitted to the vote of the Service, met with any degree of opposition, all the rest having been almost unanimously accepted.

Mr. Cotton had made enquiry as to how far the Managers considered themselves pledged by earlier proceedings to this remission of subscription. In 1868, when the first possibility of increase of benefits occurred, the principal proposition (founded upon the practice in the other Presidencies, where Annuitants do not subscribe at the same rates as active members) was to reduce their subscriptions by nine-tenths, the intention to retain one-tenth being founded on a reason which was really not valid. The Actuary then reported that the Fund could not afford to reduce more than one-half, and this was accordingly done. The whole tone of the proceedings, however, implied that the rest of the then intended reduction would be again brought forward when it was considered that the Fund admitted of it. Though the Managers could not admit this to be a pledge binding upon them, it was certainly sufficient reason why this particular form of benefit should form part of the next considerable scheme for additional benefits laid by the Managers before the Service, and there was no doubt that a good deal might be said for it on its merits; and even regarding the matter as a pledge, it might be pointed out that the Annuitants had received a very fair equivalent for the pledge of reduction to one-tenth, in the immediate reduction to one quarter and the practical promise of an early total abolition.

Mr. Macaulay said that the statement in the circular of 24th August, that the Subscribers are committed to the grant of relief to Annuitants, was quite accurate. The Managers, in presenting the results of the quinquennial valuation for the period ending 31st March 1868, made certain proposals for the utilization of the surplus then found in the Fund. One of them was "that all Annuitants be permitted to compound for their future payments of subscription at one-tenth of present rates." In reference to this proposal, the Managers said "the sum so obtained will be merely nominal, and the boon amounts virtually to relieving Annuitants from all subscriptions to the Fund. It is thought prudent to retain a rate of composition, however small, in order to ensure correct returns to the Fund office of family changes." A Special General Meeting approved this proposal, among others, "to the extent to which the ascertained surplus may, under the advice of the Actuary, be held to warrant." The Subscribers at large confirmed the proceeding of the Special General Meeting on this particular point by a majority of 92 votes to 11. In his report, the Actuary, Mr. Brown, said: "I would venture to suggest that, looking at all the liabilities, present and future, the proposition to allow retired members to compound for one-half the value of their subscriptions, ordinary and additional, would be as far as it is prudent to go on the present occasion." Accordingly the Managers, in their report presented at the Half-yearly General Meeting of 27th July 1870, recommended that "for the present the extension of benefits under this head be confined to a reduction by one-half of the rates of subscription or composition by retired members." Nothing therefore could be clearer than that the measure under which Annuitants should be virtually exempted from all subscriptions was only postponed and not abandoned. Mr. Westland had pointed out that the intention to retain even a composition of one-tenth was founded on a reason which was really not valid.

Mr. Cotton asked some questions regarding the actual amount of subscription for which Annuitants would be temporarily liable under the Managers' proposal. These were answered by Messrs. *Westland* and *Macaulay*.

Mr. Macaulay then read the following letter from Mr. R. P. Harrison, a retired Subscriber:—

Dated London, the 22nd October 1880.

From—R. P. HARRISON, ESQ.,

To—The Managers, Bengal Civil Fund, Calcutta.

In a letter dated 23rd September last, from the National Bank of India, I was informed that the Manager of their Calcutta Branch had, upon an application from your office, repaid to the Fund the sum of Rs. 277-12-5, being one-half of the amount refunded to me on account of subscriptions paid on my behalf subsequent to 1st April 1876. I was at the same time referred to a circular issued from the Fund Office, which was not, however, forwarded to me, and a copy of which I only obtained yesterday from Messrs. Coutts and Co., the Agents to the Fund in London.

If the Manager of the National Bank in Calcutta had made a previous reference to me, I should have declined to return any portion of the sum refunded, in accordance with a decision passed at a General Meeting of Subscribers, and confirmed by the votes of the Subscribers at large, under Article XVII of the rules.

The resolution of the General Meeting, duly confirmed by the Subscribers, which the Managers now seek to set aside, falls within the provisions of Article XVII, and is not subject to revision under Article XVIII, and has therefore become final and conclusive. My accumulated subscriptions to the Fund amount to upwards of one lakh and eighty thousand rupees, and I am not disposed to contribute further unnecessarily.

I have now to request that the amount paid for me by the National Bank of India on account of refund and subscription, which it appears to me has been demanded improperly and without any sufficient authority may be returned.

I have, in conclusion, to ask you to be good enough to place this letter before the Special General Meeting of Subscribers, which you have convened on 22nd November next.

Mr. Westland's motion was seconded by the *Hon'ble W. Fraser McDonell*, V.C., and was carried.

Mr. Cotton then said that, though he supported the Managers in regard to the resolution which had just been passed, he was of opinion that the facts stated in Mr. R. P. Harrison's letter, which he understood were correct, disclosed an irregularity of procedure on the part of the Management which ought not to be passed over in silence. The exemption of Annuitants from subscription was a measure which had become final and conclusive under Article XVII of the rules, and it was not within the competence of the Managers to anticipate any change of policy, or in any way modify a resolution formally passed at a previous meeting, until express authority had been conferred on them to do so by the Subscribers at a General Meeting convened under Article XVII of the Rules for the purpose.

Mr. Westland said that he objected to individual expressions of opinion which involved a censure on the Managers being placed before the Meeting without giving the Managers an opportunity of taking a vote on their conduct. He therefore requested that Mr. Cotton would express his opinion in a formal resolution.

Mr. Cotton said that it was far from his intention to propose a resolution which might have the appearance of a form of vote of censure on the Management, and, for his own part, he would have been content if his individual opinion on the action of the Managers had been recorded as part of the proceedings of the Meeting. But as he was pressed on behalf of the Management to propose a formal resolution, he would do so, and he did so with less hesitation because this was not the only instance in which the Managers, in his opinion, had recently shown a tendency to exceed the powers vested in them under the Fund rules.

Mr. Westland asked that any such case might be cited.

Mr. Cotton replied that on an early opportunity he would draw prominent attention to the case to which he referred. He begged now to propose the following resolution:—

"That the Managers have exceeded their authority in taking upon themselves to call upon Annuitants to repay any subscriptions in the face of a resolution passed by the Service exempting Annuitants from all subscriptions, and which has become final and conclusive under Article XVII of the rules; and that they should have awaited the sanction of the present Meeting."

The *Chairman* seconded the resolution. He remarked that it was not quite correct to state that the Managers had acted on the Actuary's recommendation. The Actuary had reported that the present state of our funds would not safely permit the adoption of all the proposed benefits to subscribers. He therefore suggested that we should abandon one of two of these benefits which we specified; but he added his own opinion which of these two we should retain. The Managers have not adopted that opinion, but have proposed to postpone the reduction of annuitants' subscriptions. The Managers exceeded their authority in anticipating the result of the present meeting, as pointed out by Mr. Cotton. Their circular to annuitants and the agents of annuitants was one which, in his (the Chairman's) opinion, did not leave it open to those persons whether they should or should not comply with the demand made.

Mr. Macaulay pointed out that in their circular of 13th October 1879, which was before the Subscribers when the alterations in the rules were approved, the Managers had recommended the immediate extension of the benefits "subject to discontinuance if the Actuary should report that the Fund cannot afford them." The Actuary had so reported. It was therefore open to the Managers to suspend all the benefits. They only suspended a part of one, however, and they immediately called a Special General Meeting to obtain the sanction of the Subscribers to their action.

Mr. Westland, after having asked the Secretary to repeat the passage from the circular of 13th October 1879, in which the Managers informed the Service of their intention to propose an immediate extension of benefits, "subject to discontinuance if the Actuary should report that the Fund cannot afford them," said that the Managers, when the Actuary's report was received by them in July, had two courses open to them. They might either continue to carry out the new propositions until they could be regularly set aside, or they might stop proceedings in anticipation, and call a General Meeting to reconsider the position. The Managers had practically in the words quoted undertaken to withhold the full operation of the new rules, and to submit for early reconsideration the questions that arose in the Actuary's report. They had lost no time in calling a General Meeting, and he submitted that, whatever difference of opinion there might be as to the propriety of the choice that the Managers had made between the two courses he had referred to, there was no case for a resolution which was practically a vote of censure.

Mr. Cotton begged to observe that the remarks just made by Mr. Westland were inaccurate. The authority the Managers were empowered to exercise was clearly defined in the Fund Rules. Any question involving an increase or diminution of the rate of contribution came under Article XVII of the rules, and must be duly proposed under that section. The exemption of Annuitants was final and conclusive under the Resolution passed last January, and the subsequent confirmation of that resolution accorded by the Service. Under that authority, subscriptions had been refunded, and the Managers in again demanding payment from Annuitants in anticipation of the will of the present Meeting, which had still to be confirmed by the Subscribers at large, had exceeded their powers. The view the present Meeting might take could not have been foreseen, and ought not to have been anticipated.

The resolution was then put to the Meeting and negatived by a majority of votes.

Before the Meeting separated, *Mr. Cotton* wished to take the opportunity of stating, what was already known to most of those present, that he intended to propose a Resolution of considerable importance to the Fund at the General Half-yearly Meeting to be held in January next. He observed that on other occasions when a Resolution of general importance had been proposed by an individual Subscriber, the Managers had been good enough to take upon themselves the responsibility and expense of the publication required under Article XVII of the rules, and he would be glad to know if the Management were prepared to concede this favour in his case. He wished himself to take no action without the cognizance of the Management, and as far as possible in communication with the Managers.

Messrs. McDonell, and *Westland*, expressed themselves willing to agree to the course proposed. The Managers were always glad to afford every reasonable facility to Subscribers in discussing the affairs of the Fund.

Mr. Cotton thanked the Managers for their courtesy and consideration to him personally in this respect.

A vote of thanks having been proposed to the Chairman, the Meeting separated.

CIVIL FUND OFFICE,
The 22nd November 1880.

H. T. PRINSEP,
Chairman.

HINDU FAMILY ANNUITY FUND OFFICE.

An Abstract of the Audited Accounts of the Hindu Family Annuity Fund for the quarters ended 30th June, 30th September, and 31st December 1879.

RECEIPTS.	QUARTER ENDED 30th June 1879.	QUARTER ENDED 30th September 1879.	QUARTER ENDED 31st December 1879.	DISBURSEMENTS.	QUARTER ENDED 30th June 1879.	QUARTER ENDED 30th September 1879.	QUARTER ENDED 31st December 1879.
	Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.
Subscriptions . .	3,953 14 6	4,040 0 3	4,091 2 6	Annuity . . .	351 12 3	328 9 6	409 0 0
Entrance Fees . .	29 0 0	20 0 0	14 0 0	Establishment . .	222 8 0	205 8 0	205 8 0
Government of India, amount withdrawn .	450 0 0	720 0 0	770 0 0	Miscellaneous . .	88 14 0	156 12 6	92 5 6
Miscellaneous . .	0 6 0	10 14 0	0 1 0	Government of India, amount deposited .	4,034 15 3	4,142 4 6	4,092 14 6
Opening Cash Balance .	488 5 9	223 8 9	181 4 6	Closing Cash Balance .	223 8 9	181 4 6	256 12 0
TOTAL .	4,921 10 3	5,014 7 0	5,056 8 0	TOTAL .	4,921 10 3	5,014 7 0	5,056 8 0

Published by Order of the Directors, agreeably to Rule 75.

PREONATH DUTT,
Secretary.

CALCUTTA,
The 6th December 1880.

PROMISSORY NOTES.

Lost

The lower half of Government Promissory Note No. 025359, of the 4½ per cent. Loan of 16th January 1872, for Rs. 5,000, originally standing in the name of the Chartered Mercantile Bank of India, London and China, and last endorsed to Davidass Pranjivandass, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Banks of Bengal, Madras and Bombay, respectively, and application is about to be made for the issue of duplicate in favor of the proprietor.

DAVIDASS PRANJIVANDASS.

BOMBAY,
No. 64, KALBADEVI ROAD;
The 1st December 1880.

Lost

The Government Promissory Note No. 057055, of the 4½ per cent. Loan of 16th January 1872, for Rs. 3,000, originally standing in the name of Bhowanji Kooshalchund, and last endorsed to Davidass Pranjivandass, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Banks of Bengal, Madras and Bombay, respectively, and application is about to be made for the issue of duplicate in favor of the proprietor.

DAVIDASS PRANJIVANDASS.

BOMBAY,
No. 64, KALBADEVI ROAD;
The 1st December 1880.

Stolen

The Government Promissory Notes Nos. 106893 to 106896 of the 4 per cent. Loan of 1st May 1865, for Rs. 1,000 each, originally standing in the name of The National Bank of India, Limited, and last endorsed to Gullalchund Heerjee Kothra, the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicates in favor of the proprietor.

GULLALCHUND HEERJEE KOTHRA,
Care of Sha Tejpall Khetsey,
Opposite to Victoria Garden, Bombay.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 18, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The lower half of Government Promissory Note No. 025359, of the 4½ per cent. Loan of 16th January 1872, for Rs. 5,000, originally standing in the name of the Chartered Mercantile Bank of India, London and China, and last endorsed to Davidass Pranjivandass, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Banks of Bengal, Madras and Bombay, respectively, and application is about to be made for the issue of duplicate in favor of the proprietor.

DAVIDASS PRANJIVANDASS.

BOMBAY,
No. 64, KALBADEVI ROAD;
The 1st December 1880.

Lost

The Government Promissory Note No. 057055, of the 4½ per cent. Loan of 16th January 1872, for Rs. 3,000, originally standing in the name of Bhowanji Kooshalchund, and last endorsed to Davidass Pranjivandass, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Banks of Bengal, Madras and Bombay, respectively, and application is about to be made for the issue of duplicate in favor of the proprietor.

DAVIDASS PRANJIVANDASS.

BOMBAY,
No. 64, KALBADEVI ROAD;
The 1st December 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 25, 1880.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The lower half of Government Promissory Note No. 025359, of the 4½ per cent. Loan of 16th January 1872, for Rs. 5,000, originally standing in the name of the Chartered Mercantile Bank of India, London and China, and last endorsed to Davidass Pranjivandass, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Banks of Bengal, Madras and Bombay, respectively, and application is about to be made for the issue of duplicate in favor of the proprietor.

DAVIDASS PRANJIVANDASS.

BOMBAY,
No. 64, KALBADEVI ROAD;
The 1st December 1880.

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The Government Promissory Note No. 057055, of the 4½ per cent. Loan of 16th January 1872, for Rs. 3,000, originally standing in the name of Bhowanji Kooshalchund, and last endorsed to Davidass Pranjivandass, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Offices, Banks of Bengal, Madras and Bombay, respectively, and application is about to be made for the issue of duplicate in favor of the proprietor.

DAVIDASS PRANJIVANDASS.

BOMBAY,
No. 64, KALBADEVI ROAD;
The 1st December 1880.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 3, 1880.

☞ 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 2nd July, 1880, and is hereby promulgated for general information :—

ACT No. XI OF 1880.

An Act to provide for the appointment of an Additional Recorder of Rangoon, and for other purposes.

Preamble.

WHEREAS it is expedient to provide for the temporary appointment, from time to time, of an Additional Recorder to assist the Recorder of Rangoon ;

and whereas it is also expedient to remove certain doubts which exist as to the jurisdiction of the said Recorder under section sixty-two of the Burma Courts' Act, 1875 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Burma Courts' Act, 1880" ;

Commencement.

and it shall come into force at once.

Appointment of Additional Recorder.

2. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, to be an Additional Recorder and to sit as such in the Court of the Recorder of Rangoon, such person as he thinks fit, being a Barrister of not less than five years' standing, or a person who has for at least three years served as a District Judge, or exercised the like powers as those of a District Judge.

Every person so appointed shall hold his office during the pleasure of the Governor General in Council.

Cases to be disposed of by Additional Recorder.

3. Every Additional Recorder appointed under section two shall sit at such of the places at which, under the said Act, the Recorder's Court can be held, as the Chief Commissioner of British Burma, from time to time, directs, and shall dispose of such cases, now or hereafter pending in the said Recorder's Court under any enactment for the time being in force, as the said Chief Commissioner or Recorder may, from time to time, direct, and in the disposal of such cases shall administer the same law, follow the same procedure, exercise the same powers and use the same seal as would be administered, followed, exercised and used by the said Recorder in like cases.

All decrees, orders and sentences made or passed in such cases by any such Additional Recorder shall, for the purposes of the law relating to appeals, references and revision, be deemed to be made or passed by the Recorder.

The Chief Commissioner may at any time cancel any direction given under this section requiring the Additional Recorder to dispose of a case.

Additional Recorder to sit in Special Court in place of Recorder.

4. The Additional Recorder shall also sit in the place of the Recorder as a member of the Special Court established under Chapter V of the said Act, for the disposal of such cases as the Chief Commissioner directs, and shall, while so sitting, take precedence according to the same rule as the Recorder, and exercise all the powers and perform all the duties which under the said Act may be exercised and

performed by the Recorder as a member of such Special Court.

Section 80 of the Burma Courts' Act to apply when Additional Recorder sits in Special Court.

5. Whenever, in cases tried by the Judicial Commissioner and Additional Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the rules prescribed by section eighty of the said Act shall be observed, the words "Additional Recorder" being substituted for the word "Recorder" wherever it occurs in the said rules.

Amendment of section 62 of the Burma Courts' Act, 1875.

6. For the first paragraph of section sixty-two of the said Burma Courts' Act, 1875, the following paragraph shall be substituted:—

"Notwithstanding any thing hereinbefore contained, the Recorder shall have all the powers of a High Court, under the Code of Criminal Procedure, in respect of offences committed by European British subjects and persons charged jointly with European British subjects within British Burma."

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 10, 1880.

☞ 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 July, 1880, and is hereby promulgated for general information:—

ACT No. XI OF 1880.

An Act to provide for the appointment of an Additional Recorder of Rangoon, and for other purposes.

Preamble.

WHEREAS it is expedient to provide for the temporary appointment, from time to time, of an Additional Recorder to assist the Recorder of Rangoon;

and whereas it is also expedient to remove certain doubts which exist as to the jurisdiction of the said Recorder under section sixty-two of the Burma Courts' Act, 1875; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Burma Courts' Act, 1880";

Commencement.

and it shall come into force at once.

Appointment of Additional Recorder.

2. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, to be an Additional Recorder and to sit as such in the Court of the Recorder of Rangoon, such person as he thinks fit, being a Barrister of not less than five years' standing, or a person who has for at least three years served as a District Judge, or exercised the like powers as those of a District Judge.

Every person so appointed shall hold his office during the pleasure of the Governor General in Council.

Cases to be disposed of by Additional Recorder.

3. Every Additional Recorder appointed under section two shall sit at such of the places at which, under the said Act, the Recorder's Court can be held, as the Chief Commissioner of British Burma, from time to time, directs, and shall dispose of such cases, now or hereafter pending in the said Recorder's Court under any enactment for the time being in force, as the said Chief Commissioner or Recorder may, from time to time, direct, and in the disposal of such cases shall administer the same law, follow the same procedure, exercise the same powers and use the same seal as would be administered, followed, exercised and used by the said Recorder in like cases.

All decrees, orders and sentences made or passed in such cases by any such Additional Recorder shall, for the purposes of the law relating to appeals, references and revision, be deemed to be made or passed by the Recorder.

The Chief Commissioner may at any time cancel any direction given under this section requiring the Additional Recorder to dispose of a case.

Additional Recorder to sit in Special Court in place of Recorder.

4. The Additional Recorder shall also sit in the place of the Recorder as a member of the Special Court established under Chapter V of the said Act, for the disposal of such cases as the Chief Commissioner directs, and shall, while so sitting, take precedence according to the same rule as the Recorder, and exercise all the powers and perform all the duties which under the said Act may be exercised and

performed by the Recorder as a member of such Special Court.

Section 80 of the Burma Courts' Act to apply when Additional Recorder sits in Special Court.

5. Whenever, in cases tried by the Judicial Commissioner and Additional Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the rules prescribed by section eighty of the said Act shall be observed, the words "Additional Recorder" being substituted for the word "Recorder" wherever it occurs in the said rules.

Amendment of section 62 of the Burma Courts' Act, 1875.

6. For the first paragraph of section sixty-two of the said Burma Courts' Act, 1875, the following paragraph shall be substituted :—

"Notwithstanding any thing hereinbefore contained, the Recorder shall have all the powers of a High Court, under the Code of Criminal Procedure, in respect of offences committed by European British subjects and persons charged jointly with European British subjects within British Burma."

D. FITZPATRICK,

Secy. to the Govt. 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 July, 1880, and is hereby promulgated for general information :—

ACT No. XII OF 1880.

An Act for the appointment of persons to the office of Kází.

WHEREAS by the preamble to Act No. XI of 1864 *(An Act to repeal the law relating to the offices of Hindú and Muhammadan Law Officers and to the offices of Kází-ul-Kuzáat and of Kází, and to abolish the former offices)* it was (among other things) declared that it was inexpedient that the appointment of the Kází-ul-Kuzáat, or of City, Town or Pargana Kázís should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India the presence of Kázís appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kází; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Kazis' Act, 1880";

Commencement.

and it shall come into force at once.

Local extent.

It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any other Local Government may, from time to time, by notification in the official Gazette, extend it to the whole or any part of the territories under its administration.

Power to Government to appoint Kázís for any local area.

2. Whenever it appears to the Local Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kázís should be appointed for such local area, the Local Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kázís for such local area.

If any question arises whether any person has been rightly appointed Kází under this section, the decision thereof by the Local Government shall be conclusive.

The Local Government may, if it thinks fit, suspend or remove any Kází appointed under this section who is guilty of any misconduct in the execution of his office, or who is for a continuous period of six months absent from the local area for which he is appointed, or leaves such local area for the purpose of residing elsewhere, or is declared an insolvent, or desires to be discharged from the office, or who refuses or becomes in the opinion of the Local Government unfit, or personally incapable, to discharge the duties of the office.

Náib Kázís.

3. Any Kází appointed under this Act may appoint one or more persons as his náib or náibs to act in his place in all or any of the matters appertaining to his office throughout the whole or in any portion of the local area for which he is appointed, and may suspend or remove any náib so appointed.

When any Kází is suspended or removed under section two, his náib or náibs (if any) shall be deemed to be suspended or removed, as the case may be.

Nothing in Act to confer judicial or other powers on Kází; or to render the presence of a Kází necessary; or to prevent any one acting as Kází.

4. Nothing herein contained, and no appointment made hereunder, shall be deemed—

(*a*) to confer any judicial or administrative powers on any Kází or Náib Kází appointed hereunder; or

(*b*) to render the presence of a Kází or Náib Kází necessary at the celebration of any marriage or the performance of any rite or ceremony; or

(*c*) to prevent any person discharging any of the functions of a Kází.

D. FITZPATRICK,

Secy. to the Govt. 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 July, 1880, and is hereby promulgated for general information:—

ACT No. XIII OF 1880.

THE VACCINATION ACT, 1880.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Application.
2. Interpretation-clause.
3. Extension of Act to municipalities.
4. Extension to cantonments.
5. Power to withdraw local area from operation of Act.
6. Prohibition of inoculation.
   Inoculated persons not to enter, without certificate, local area subject to Act.
7. Vaccination-circles.
   Vaccinators;
   Superintendent of vaccination.
8. Private vaccinators.
9. Unprotected children to be vaccinated.
   Vaccinator to vaccinate children, or deliver certificates of postponement.
10. Inspection after vaccination.
11. Procedure when vaccination is successful.
12. Procedure when vaccination is unsuccessful.
13. Procedure when child is unfit for vaccination.
    Renewal of postponement certificates.
14. Certificates of insusceptibility of successful vaccination.
15. What lymph to be used.
16. No fee to be charged except by private vaccinator.
    Proviso.
17. Duties of Superintendent of vaccination.
    Notice to parent or guardian neglecting to comply with Act.
18. Order by Magistrate when notice not complied with.
    Procedure when order not obeyed.
    Magistrates to be non-official natives.
19. Power to make rules for municipalities.
20. Power to make rules for cantonments.
21. What rules under sections 19 and 20 may provide for.
22. Punishment of offences.
23. Municipal funds to receive fines and meet expenditure.

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Vaccination Act, 1880": and

Application.

it shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg as it may be extended to in manner hereinafter provided.

Interpretation-clause.

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

"Municipal Commissioners":

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment for the time being in force:

"parent":

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child:

"guardian":

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child:

"unprotected child":

(4) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination:

"inoculation":

(5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:

"vaccination-circle":

(6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:

"vaccinator":

(7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination":

"vaccination-season":

(8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

Extension of Act to municipalities.

3. A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a municipality, and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.

Extension to cantonments.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a military cantonment.

Power to withdraw local area from operation of Act.

5. The Local Government may, by notification in the official Gazette, withdraw any local area in a municipality, or with the previous sanction of the Governor General in Council, any local area in a cantonment, from the operation of this Act.

Prohibition of inoculation.

6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Inoculated persons not to enter, without certificate, local area subject to Act.

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Vaccination-circles.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles;

Vaccinators;

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Superintendent of vaccination.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Private vaccinators.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

Unprotected children to be vaccinated.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Vaccinator to vaccinate children, or deliver certificates of postponement.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

Inspection after vaccination.

10. The parent or guardian of every child which has been vaccinated under section nine shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

11. When it is ascertained at the time of inspecting a child under section ten that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is unsuccessful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Procedure when child is unfit for vaccination.

13. A certificate granted under section nine showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificates.

Provided that if the child is still found to be in a state unfit for vaccination, the certificate granted under section nine shall be renewed.

Certificates of insusceptibility of successful vaccination.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

What lymph to be used.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

Provided that,

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

No fee to be charged except by private vaccinator.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act:

Proviso.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Duties of Superintendent of vaccination.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally

Notice to parent or guardian neglecting to comply with Act.

go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Order by Magistrate when notice not complied with.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the District, or such Magistrate as the Local Government or the Magistrate of the District may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure when order not obeyed.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section twenty-two.

Magistrates to be non-official natives.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be natives of India, and not paid servants of the Government.

Power to make rules for municipalities.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

Provided that the Local Government may at any time rescind or modify any such rule.

Power to make rules for cantonments.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

What rules under sections 19 and 20 may provide for.

21. The rules to be made for any local area under sections nineteen or twenty may, among other matters, provide for—

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*k*) the fee to be paid for vaccination with animal-lymph under section fifteen;

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month ;

the result of each vaccination or its postponement, and the delivery of certificates, if any ;

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters ; and

(*o*) the preparation of vaccination-reports and returns.

Punishment of offences.

22. Whoever commits any of the undermentioned offences (that is to say) :—

(*a*) violates the provisions of section six,

(*b*) neglects without just excuse to obey an order made under section eighteen,

(*c*) breaks any of the rules made under section nineteen or twenty, or

(*d*) neglects without just cause to obey an order made under section eighteen after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say) :—

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both ;

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees ; and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Municipal funds to receive fines and meet expenditure.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the municipal fund.

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 17, 1880.

☞ **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 July, 1880, and is hereby promulgated for general information :—

ACT No. XI OF 1880.

An Act to provide for the appointment of an Additional Recorder of Rangoon, and for other purposes.

Preamble.

WHEREAS it is expedient to provide for the temporary appointment, from time to time, of an Additional Recorder to assist the Recorder of Rangoon ;

and whereas it is also expedient to remove certain doubts which exist as to the jurisdiction of the said Recorder under section sixty-two of the Burma Courts' Act, 1875 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Burma Courts' Act, 1880" ;

Commencement.

and it shall come into force at once.

Appointment of Additional Recorder.

2. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, appoint, to be an Additional Recorder and to sit as such in the Court of the Recorder of Rangoon, such person as he thinks fit, being a Barrister of not less than five years' standing, or a person who has for at least three years served as a District Judge, or exercised the like powers as those of a District Judge.

Every person so appointed shall hold his office during the pleasure of the Governor General in Council.

Cases to be disposed of by Additional Recorder.

3. Every Additional Recorder appointed under section two shall sit at such of the places at which, under the said Act, the Recorder's Court can be held, as the Chief Commissioner of British Burma, from time to time, directs, and shall dispose of such cases, now or hereafter pending in the said Recorder's Court under any enactment for the time being in force, as the said Chief Commissioner or Recorder may, from time to time, direct, and in the disposal of such cases shall administer the same law, follow the same procedure, exercise the same powers and use the same seal as would be administered, followed, exercised and used by the said Recorder in like cases.

All decrees, orders and sentences made or passed in such cases by any such Additional Recorder shall, for the purposes of the law relating to appeals, references and revision, be deemed to be made or passed by the Recorder.

The Chief Commissioner may at any time cancel any direction given under this section requiring the Additional Recorder to dispose of a case.

Additional Recorder to sit in Special Court in place of Recorder.

4. The Additional Recorder shall also sit in the place of the Recorder as a member of the Special Court established under Chapter V of the said Act, for the disposal of such cases as the Chief Commissioner directs, and shall, while so sitting, take precedence according to the same rule as the Recorder, and exercise all the powers and perform all the duties which under the said Act may be exercised and

performed by the Recorder as a member of such Special Court.

Section 80 of the Burma Courts' Act to apply when Additional Recorder sits in Special Court.

5. Whenever, in cases tried by the Judicial Commissioner and Additional Recorder of Rangoon sitting together as a Special Court without a Commissioner, a difference of opinion arises, the rules prescribed by section eighty of the said Act shall be observed, the words "Additional Recorder" being substituted for the word "Recorder" wherever it occurs in the said rules.

Amendment of section 62 of the Burma Courts' Act, 1875.

6. For the first paragraph of section sixty-two of the said Burma Courts' Act, 1875, the following paragraph shall be substituted:—

"Notwithstanding any thing hereinbefore contained, the Recorder shall have all the powers of a High Court, under the Code of Criminal Procedure, in respect of offences committed by European British subjects and persons charged jointly with European British subjects within British Burma."

D. FITZPATRICK,

Secy. to the Govt. 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 July, 1880, and is hereby promulgated for general information:—

ACT No. XII OF 1880.

An Act for the appointment of persons to the office of Kází.

WHEREAS by the preamble to Act No. XI of 1864 *(An Act to repeal the law relating to the offices of Hindú and Muhammadan Law Officers and to the offices of Kází-ul-Kuzáat and of Kází, and to abolish the former offices)* it was (among other things) declared that it was inexpedient that the appointment of the Kází-ul-Kuzáat, or of City, Town or Pargana Kázís should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India the presence of Kázís appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kází; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Kazis' Act, 1880";

Commencement.

and it shall come into force at once.

Local extent.

It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any other Local Government may, from time to time, by notification in the official Gazette, extend it to the whole or any part of the territories under its administration.

Power to Government to appoint Kázís for any local area.

2. Whenever it appears to the Local Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kázís should be appointed for such local area, the Local Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kázís for such local area.

If any question arises whether any person has been rightly appointed Kází under this section, the decision thereof by the Local Government shall be conclusive.

The Local Government may, if it thinks fit, suspend or remove any Kází appointed under this section who is guilty of any misconduct in the execution of his office, or who is for a continuous period of six months absent from the local area for which he is appointed, or leaves such local area for the purpose of residing elsewhere, or is declared an insolvent, or desires to be discharged from the office, or who refuses or becomes in the opinion of the Local Government unfit, or personally incapable, to discharge the duties of the office.

Náib Kázís.

3. Any Kází appointed under this Act may appoint one or more persons as his náib or náibs to act in his place in all or any of the matters appertaining to his office throughout the whole or in any portion of the local area for which he is appointed, and may suspend or remove any náib so appointed.

When any Kází is suspended or removed under section two, his náib or náibs (if any) shall be deemed to be suspended or removed, as the case may be.

Nothing in Act to confer judicial or other powers on Kází; or

4. Nothing herein contained, and no appointment made hereunder, shall be deemed—

(*a*) to confer any judicial or administrative powers on any Kází or Náib Kází appointed hereunder; or

to render the presence of a Kází necessary; or

(*b*) to render the presence of a Kází or Náib Kází necessary at the celebration of any marriage or the performance of any rite or ceremony; or

to prevent any one acting as Kází.

(*c*) to prevent any person discharging any of the functions of a Kází.

D. FITZPATRICK,

Secy. to the Govt. 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 July, 1880, and is hereby promulgated for general information:—

ACT No. XIII OF 1880.

THE VACCINATION ACT, 1880.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Application.
2. Interpretation-clause.
3. Extension of Act to municipalities.
4. Extension to cantonments.
5. Power to withdraw local area from operation of Act.
6. Prohibition of inoculation.
   Inoculated persons not to enter, without certificate, local area subject to Act.
7. Vaccination-circles.
   Vaccinators;
   Superintendent of vaccination.
8. Private vaccinators.
9. Unprotected children to be vaccinated.
   Vaccinator to vaccinate children, or deliver certificates of postponement.
10. Inspection after vaccination.
11. Procedure when vaccination is successful.
12. Procedure when vaccination is unsuccessful.
13. Procedure when child is unfit for vaccination.
    Renewal of postponement certificates.
14. Certificates of insusceptibility of successful vaccination.
15. What lymph to be used.
16. No fee to be charged except by private vaccinator.
    Proviso.
17. Duties of Superintendent of vaccination.
    Notice to parent or guardian neglecting to comply with Act.
18. Order by Magistrate when notice not complied with.
    Procedure when order not obeyed.
    Magistrates to be non-official natives.
19. Power to make rules for municipalities.
20. Power to make rules for cantonments.
21. What rules under sections 19 and 20 may provide for.
22. Punishment of offences.
23. Municipal funds to receive fines and meet expenditure.

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Vaccination Act, 1880": and

Application.

it shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg as it may be extended to in manner hereinafter provided.

Interpretation-clause.

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

"Municipal Commissioners":

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment for the time being in force:

"parent":

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child:

"guardian":

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child:

"unprotected child":

(4) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination:

"inoculation":

(5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:

"vaccination-circle":

(6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:

"vaccinator":

(7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination":

"vaccination-season":

(8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

Extension of Act to municipalities.

3. A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a municipality, and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.

Extension to cantonments.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a military cantonment.

Power to withdraw local area from operation of Act.

5. The Local Government may, by notification in the official Gazette, withdraw any local area in a municipality, or with the previous sanction of the Governor General in Council, any local area in a cantonment, from the operation of this Act.

Prohibition of inoculation.

6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Inoculated persons not to enter, without certificate, local area subject to Act.

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Vaccination-circles.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles;

Vaccinators;

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Superintendent of vaccination.

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Private vaccinators.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

Unprotected children to be vaccinated.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Vaccinator to vaccinate children, or deliver certificates of postponement.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

Inspection after vaccination.

10. The parent or guardian of every child which has been vaccinated under section nine shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Procedure when vaccination is successful.

11. When it is ascertained at the time of inspecting a child under section ten that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is unsuccessful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Procedure when child is unfit for vaccination.

13. A certificate granted under section nine showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificates.

Provided that if the child is still found to be in a state unfit for vaccination, the certificate granted under section nine shall be renewed.

Certificates of insusceptibility of successful vaccination.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

What lymph to be used.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

Provided that,

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

No fee to be charged except by private vaccinator.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act:

Proviso.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Duties of Superintendent of vaccination.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally

Notice to parent or guardian neglecting to comply with Act.

go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Order by Magistrate when notice not complied with.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the District, or such Magistrate as the Local Government or the Magistrate of the District may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure when order not obeyed.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section twenty-two.

Magistrates to be non-official natives.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be natives of India, and not paid servants of the Government.

Power to make rules for municipalities.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

Provided that the Local Government may at any time rescind or modify any such rule.

Power to make rules for cantonments.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

What rules under sections 19 and 20 may provide for.

21. The rules to be made for any local area under sections nineteen or twenty may, among other matters, provide for—

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*k*) the fee to be paid for vaccination with animal-lymph under section fifteen;

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month;

the result of each vaccination or its postponement, and the delivery of certificates, if any;

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters; and

(*o*) the preparation of vaccination-reports and returns.

Punishment of offences.

22. Whoever commits any of the undermentioned offences (that is to say):—

(*a*) violates the provisions of section six,

(*b*) neglects without just excuse to obey an order made under section eighteen,

(*c*) breaks any of the rules made under section nineteen or twenty, or

(*d*) neglects without just cause to obey an order made under section eighteen after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say):—

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both;

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees; and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Municipal funds to receive fines and meet expenditure.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the municipal fund.

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 1880.

☞ 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 July, 1880, and is hereby promulgated for general information:—

ACT No. XII OF 1880.

An Act for the appointment of persons to the office of Kází.

WHEREAS by the preamble to Act No. XI of 1864 *(An Act to repeal the law relating to the offices of Hindú and Muhammadan Law Officers and to the offices of Kází-ul-Kuzáat and of Kází, and to abolish the former offices)* it was (among other things) declared that it was inexpedient that the appointment of the Kází-ul-Kuzáat, or of City, Town or Pargana Kázís should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India the presence of Kázís appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kází; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Kazis' Act, 1880";

Commencement.

and it shall come into force at once.

Local extent.

It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any other Local Government may, from time to time, by notification in the official Gazette, extend it to the whole or any part of the territories under its administration.

Power to appoint Kázís for any local area.

2. Whenever it appears to the Local Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kázís should be appointed for such local area, the Local Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kázís for such local area.

If any question arises whether any person has been rightly appointed Kází under this section, the decision thereof by the Local Government shall be conclusive.

The Local Government may, if it thinks fit, suspend or remove any Kází appointed under this section who is guilty of any misconduct in the execution of his office, or who is for a continuous period of six months absent from the local area for which he is appointed, or leaves such local area for the purpose of residing elsewhere, or is declared an insolvent, or desires to be discharged from the office, or who refuses or becomes in the opinion of the Local Government unfit, or personally incapable, to discharge the duties of the office.

Náib Kázís.

3. Any Kází appointed under this Act may appoint one or more persons as his náib or náibs to act in his place in all or any of the matters appertaining to his office throughout the whole or in any portion of the local area for which he is appointed, and may suspend or remove any náib so appointed.

When any Kází is suspended or removed under section two, his náib or náibs (if any) shall be deemed to be suspended or removed, as the case may be.

4. Nothing herein contained, and no appointment made hereunder, shall be deemed—

Nothing in Act to confer judicial or administration powers; or

(a) to confer any judicial or administrative powers on any Kází or Náib Kází appointed hereunder; or

to render the presence of Kází necessary; or

(b) to render the presence of a Kází or Náib Kází necessary at the celebration of any marriage or the performance of any rite or ceremony; or

to prevent any one acting as Kází.

(c) to prevent any person discharging any of the functions of a Kází.

D. FITZPATRICK,
Secy. to the Govt. 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 July, 1880, and is hereby promulgated for general information:—

ACT No. XIII OF 1880.

THE VACCINATION ACT, 1880.

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PREAMBLE.

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An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Vaccination Act, 1880": and

Application.

it shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg as it may be extended to in manner hereinafter provided.

Interpretation-clause.

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

"Municipal Commissioners":

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment for the time being in force:

"parent":

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child:

"guardian":

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child:

"unprotected child":

(4) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination:

"inoculation":

(5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:

"vaccination-circle":

(6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:

"vaccinator":

(7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination":

"vaccination-season":

(8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

3. A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a municipality, and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Extension of Act to municipalities.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a military cantonment.

Extension to cantonments.

5. The Local Government may, by notification in the official Gazette, withdraw any local area in a municipality, or with the previous sanction of the Governor General in Council, any local area in a cantonment, from the operation of this Act.

Power to withdraw local area from operation of Act.

6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Prohibition of inoculation.

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Inoculated persons not to enter, without certificate, local area subject to Act.

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles;

Vaccination-circles.

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Vaccinators;

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Superintendent of vaccination.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

Private vaccinators.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

Unprotected children to be vaccinated.

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

Vaccinator to vaccinate children, or deliver certificates of postponement.

10. The parent or guardian of every child which has been vaccinated under section nine shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and

Inspection after vaccination.

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

11. When it is ascertained at the time of inspecting a child under section ten that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Procedure when vaccination is successful.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Procedure when vaccination is unsuccessful.

13. A certificate granted under section nine showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Procedure when child is unfit for vaccination.

Provided that if the child is still found to be in a state unfit for vaccination, the certificate granted under section nine shall be renewed.

Renewal of postponement certificates.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Certificates of insusceptibility of successful vaccination.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

What lymph to be used.

Provided that,

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act:

No fee to be charged except by private vaccinator.

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Proviso.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Duties of Superintendent of vaccination.

Notice to parent or guardian neglecting to comply with Act.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the District, or such Magistrate as the Local Government or the Magistrate of the District may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Order by Magistrate when notice not complied with.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section twenty-two.

Procedure when order not obeyed.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be natives of India, and not paid servants of the Government.

Magistrates to be non-official natives.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

Power to make rules for municipalities.

Provided that the Local Government may at any time rescind or modify any such rule.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

Power to make rules for cantonments.

21. The rules to be made for any local area under sections nineteen or twenty may, among other matters, provide for—

What rules under sections 19 and 20 may provide for.

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph;

(*k*) the fee to be paid for vaccination with animal-lymph under section fifteen;

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act;

the names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

the names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month;

the result of each vaccination or its postponement, and the delivery of certificates, if any;

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters; and

(*o*) the preparation of vaccination-reports and returns.

Punishment of offences.

22. Whoever commits any of the undermentioned offences (that is to say):—

(*a*) violates the provisions of section six,

(*b*) neglects without just excuse to obey an order made under section eighteen,

(*c*) breaks any of the rules made under section nineteen or twenty, or

(*d*) neglects without just cause to obey an order made under section eighteen after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say):—

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both;

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees; and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Municipal funds to receive fines and meet expenditure.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the municipal fund.

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 6, 1880.

☞ 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 3rd November, 1880, and is hereby promulgated for general information:—

ACT No. XIV OF 1880.

An Act to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the passing thereof.

Local extent.

2. This section and sections three, four and thirteen extend to the whole of British India.

The remaining sections extend only to such parts of British India as the Local Government may, from time to time, by notification in the official Gazette, direct.

Appointment of Census-officers.

3. The Local Government may appoint any person by name or in virtue of his office to take, or aid in or supervise the taking of, the census within any specified local area.

Persons so appointed shall be called "Census-officers."

The Local Government may delegate to such authority as it thinks fit the power conferred by this section.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Census-officers to be deemed public servants.

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Duties of Census-officers how to be discharged in certain cases.

5. (*a*) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

(*b*) every person (except a pilot or harbour-master) having charge or control of a vessel,

(*c*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*d*) every keeper or manager of any sarái, hotel, boarding-house, lodging-house or club, and

(*e*) every occupant of immoveable property having at the time of taking the census not less than fifty persons employed under him on or in such property,

shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of taking the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by an order written, printed or lithographed, direct.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of Magistrate of District to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order written, printed or lithographed, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, in his district, or their agents, and upon all members of panchâyats appointed in his district under Bengal Act No. VI of 1870 (*to provide for the appointment, dismissal and maintenance of Village Chaukídárs*), to give such assistance as he needs towards the taking of a census of the persons who are at the time of taking the census on the lands of such owners, occupiers, holders, farmers and assignees, within the limits of such fisheries or in the villages for which such panchâyats are appointed, as the case may be.

Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees, or their agents, and the members of such panchâyats, shall be bound to obey it.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

8. Every person of whom any question is asked under section seven shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household; and that no woman shall be bound to state the name of her husband or deceased husband.

Occupier of house, &c., to allow access.

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable.

Occupier of house to fill up schedule.

10. Subject to such orders as the Local Government may issue in this behalf, any Census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the persons present in such house or part at the time of taking the census.

When any such schedule has been so left, the occupier of the house or part to which it relates shall fill up the same to the best of his knowledge or belief, so far as regards the persons present in such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the Census-officer or to such person as he may direct.

Penalty for failing to fill up schedule, &c., or making false return.

Any occupier of a dwelling-house or part thereof who knowingly and without sufficient cause fails to comply with the provisions of this section, or makes any false return hereunder, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Penalty for misconduct of Census-officers.

11. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section seven, puts any offensive or improper question, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

12. The Local Government may, by notification in the official Gazette,

(*a*) declare before what classes of Magistrates prosecutions under this Act, or for neglecting or refusing to do anything required by this Act to be done, may be instituted; and

(*b*) direct that no such prosecution shall be instituted except with its previous sanction, or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (*a*) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

Records of census not admissible in evidence in certain proceedings.

13. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any civil proceeding or any proceeding under chapter forty or chapter forty-one of the Code of Criminal Procedure, or chapter eighteen of the Presidency Magistrates Act, 1877.

D. FITZPATRICK,
Secy. to the Govt. 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 3rd November, 1880, and is hereby promulgated for general information:—

ACT NO. XV OF 1880.

An Act to amend the Bombay Revenue Jurisdiction Act, 1876.

Preamble.

WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing, and to make further provision for the recovery of certain advances made in the territories administered by the Governor of Bombay in Council for purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1880"; and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act No. X of 1876.

2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:

Provided that the repeal hereby effected, of the first clause of the said section seventeen, shall not operate in any Scheduled District unless and until the Bombay Land-revenue Code, 1879, has been extended to such district:

Provided also that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or legal by such clause.

Addition to section 32 of Act No. XIV of 1869 as amended by section 15 of Act No. X of 1876.

3. To section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section fifteen of the said Bombay Revenue Jurisdiction Act, 1876, the following words shall be added:—

Proviso.

"Provided that nothing in this section shall be deemed to apply to any suit merely because—

"(*a*) a municipal corporation constituted under Bombay Act No. VI of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation, or

"(*b*) an officer of a Court appointed under the Code of Civil Procedure, section 456, last paragraph, or selected under Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), section 9, is, in virtue of such appointment or selection, a party to such suit."

Governor in Council to make rules as to certain advances for purposes other than those specified in Act No. XXVI of 1871.

4. The Governor of Bombay in Council may, from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made in the territories administered by the said Governor in Council to holders (as defined in section 3 (11) of the Bombay Land-revenue Code, 1879) of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Recovery of such advances.

5. Every advance for any such purpose which may heretofore have been made by or on behalf of the Government in the said territories, and every advance which may hereafter be made under such rules, shall, when it becomes due, be recoverable, with the interest (if any) accrued due thereon, from the person to whom such advance was made, or from any person who has become surety for the repayment thereof, as if it were an arrear of land-revenue due by the person to whom the advance was made or by his surety.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 13, 1880.

☞ 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 3rd November, 1880, and is hereby promulgated for general information :—

ACT No. XIV OF 1880.

An Act to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the passing thereof.

Local extent.

2. This section and sections three, four and thirteen extend to the whole of British India.

The remaining sections extend only to such parts of British India as the Local Government may, from time to time, by notification in the official Gazette, direct.

Appointment of Census-officers.

3. The Local Government may appoint any person by name or in virtue of his office to take, or aid in or supervise the taking of, the census within any specified local area.

Persons so appointed shall be called "Census-officers."

The Local Government may delegate to such authority as it thinks fit the power conferred by this section.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Census-officers to be deemed public servants.

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Duties of Census-officers how to be discharged in certain cases.

5. (*a*) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

(*b*) every person (except a pilot or harbour-master) having charge or control of a vessel,

(*c*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*d*) every keeper or manager of any sarái, hotel, boarding-house, lodging-house or club, and

(*e*) every occupant of immoveable property having at the time of taking the census not less than fifty persons employed under him on or in such property,

shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of taking the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by an order written, printed or lithographed, direct.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of Magistrate of District to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order written, printed or lithographed, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, in his district, or their agents, and upon all members of panchâyats appointed in his district under Bengal Act No. VI of 1870 (*to provide for the appointment, dismissal and maintenance of Village Chaukidárs*), to give such assistance as he needs towards the taking of a census of the persons who are at the time of taking the census on the lands of such owners, occupiers, holders, farmers and assignees, within the limits of such fisheries or in the villages for which such panchâyats are appointed, as the case may be.

Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees, or their agents, and the members of such panchâyats, shall be bound to obey it.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

8. Every person of whom any question is asked under section seven shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household; and that no woman shall be bound to state the name of her husband or deceased husband.

Occupier of house, &c., to allow access.

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable.

Occupier of house to fill up schedule.

10. Subject to such orders as the Local Government may issue in this behalf, any Census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the persons present in such house or part at the time of taking the census.

When any such schedule has been so left, the occupier of the house or part to which it relates shall fill up the same to the best of his knowledge or belief, so far as regards the persons present in such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the Census-officer or to person as he may direct.

Penalty for failing to fill up schedule, &c., or making false return.

Any occupier of a dwelling-house or part thereof who knowingly and without sufficient cause fails to comply with the provisions of this section, or makes any false return hereunder, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Penalty for misconduct of Census-officers.

11. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section seven, puts any offensive or improper question, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

12. The Local Government may, by notification in the official Gazette,

(*a*) declare before what classes of Magistrates prosecutions under this Act, or for refusing or refusing to do anything required by this Act to be done, may be instituted; and

(*b*) direct that no such prosecution shall be instituted except with its previous sanction, or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (*a*) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

Records of census not admissible in evidence in certain proceedings.

13. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any civil proceeding or any proceeding under chapter forty or chapter forty-one of the Code of Criminal Procedure, or chapter eighteen of the Presidency Magistrates Act, 1877.

D. FITZPATRICK,
Secy. to the Govt. 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 3rd November, 1880, and is hereby promulgated for general information:—

ACT No. XV OF 1880.

An Act to amend the Bombay Revenue Jurisdiction Act, 1876.

Preamble.

WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing, and to make further provision for the recovery of certain advances made in the territories administered by the Governor of Bombay in Council for purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1880"; and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act No. X of 1876.

2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:

Provided that the repeal hereby effected, of the first clause of the said section seventeen, shall not operate in any Scheduled District unless and until the Bombay Land-revenue Code, 1879, has been extended to such district:

Provided also that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or [illegible] with clause.

Addition to section 32 of Act No. XIV of 1869 as amended by section 15 of Act No. X of 1876.

3. To section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section fifteen of the said Bombay Revenue Jurisdiction Act, 1876, the following words shall be added:—

Proviso.

"Provided that nothing in this section shall be deemed to apply to any suit merely because—

"(*a*) a municipal corporation constituted under Bombay Act No. VI of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation, or

"(*b*) an officer of a Court appointed under the Code of Civil Procedure, section 456, last paragraph, or selected under Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), section 9, is, in virtue of such appointment or selection, a party to such suit."

Governor in Council to make rules as to certain advances for purposes other than those specified in Act No. XXVI of 1871.

4. The Governor of Bombay in Council may, from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made in the territories administered by the said Governor in Council to holders (as defined in section 3 (11) of the Bombay Land-revenue Code, 1879) of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Recovery of such advances.

5. Every advance for any such purpose which may heretofore have been made by or on behalf of the Government in the said territories, and every advance which may hereafter be made under such rules, shall, when it becomes due, be recoverable, with the interest (if any) accrued due thereon, from the person to whom such advance was made, or from any person who has become surety for the repayment thereof, as if it were an arrear of land-revenue due by the person to whom the advance was made or by his surety.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 20, 1880.

☞ 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 [illegible] Council received the assent of His [illegible] the Governor General on the 3rd [illegible], 1880, and is hereby promulgated for general information :—

ACT No. XIV OF 1880.

An Act to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the [illegible] thereof.

Local extent.

[illegible] section and sections three, four and thirteen extend to the whole of British India.

The remaining sections extend only to such parts of British India as the Local Government may, from time to time, by notification in the official Gazette, direct.

Appointment of Census-officers.

2. The Local Government may appoint any person by name or in virtue of his office to take, or aid in or supervise the taking of, the census within any specified local area.

Persons so appointed shall be called "Census-officers."

The Local Government may delegate to such authority as it thinks fit the power conferred by this section.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Census-officers to be deemed public servants.

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Duties of Census-officers how to be discharged in certain cases.

5. (*a*) Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war,

(*b*) every person (except a pilot or harbour-master) having charge or control of a vessel,

(*c*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*d*) every keeper or manager of any sarái, hotel, boarding-house, lodging-house or club, and

(*e*) every occupant of immoveable property having at the time of taking the census not less than fifty persons employed under him on or in such property,

shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of taking the census are under his command or charge, or inmates of his house or present on or in such property, as such Magistrate or officer may, by an order written, printed or lithographed, direct.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of Magistrate of District to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order written, printed or lithographed, call upon all owners and occupiers of land, tenure-holders, farmers, assignees of land-revenue and lessees of fisheries under the Burma Fisheries Act, 1875, in his district, or their agents, and upon all members of panchâyats appointed in his district under Bengal Act No. VI of 1870 (*to provide for the appointment, dismissal and maintenance of Village Chaukídárs*), to give such assistance as he needs towards the taking of a census of the persons who are at the time of taking the census on the lands of such owners, occupiers, holders, farmers and assignees, within the limits of such fisheries or in the villages for which such panchâyats are appointed, as the case may be.

Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers, assignees, lessees, or their agents, and the members of such panchâyats, shall be bound to obey it.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Local Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

8. Every person of whom any question is asked under section seven shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household; and that no woman shall be bound to state the name of her husband or deceased husband.

Occupier of house, &c., to allow access.

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable.

Occupier of house to fill up schedule.

10. Subject to such orders as the Local Government may issue in this behalf, any Census-officer may leave, or cause to be left, at any dwelling-house within the local area for which he is appointed, a schedule for the purpose of being filled up by the occupier of such house or of any specified part thereof with such particulars as the Local Government may direct regarding the persons present in such house or part at the time of taking the census.

When any such schedule has been so left, the occupier of the house or part to which it relates shall fill up the same to the best of his knowledge or belief, so far as regards the persons present in such house or part, as the case may be, at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the Census-officer or to such person as he may direct.

Penalty for failing to fill up schedule, &c., or making false return.

Any occupier of a dwelling-house or part thereof who knowingly and without sufficient cause fails to comply with the provisions of this section, or makes any false return hereunder, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Penalty for misconduct of Census-officers.

11. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section seven, puts any offensive or improper question, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

Jurisdiction in prosecutions.

12. The Local Government may, by notification in the official Gazette,

(*a*) declare before what classes of Magistrates prosecutions under this Act, or for neglecting or refusing to do anything required by this Act to be done, may be instituted; and

(*b*) direct that no such prosecution shall be instituted except with its previous sanction, or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (*a*) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

Records of census not admissible in evidence in certain proceedings.

13. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any civil proceeding or any proceeding under chapter forty or chapter forty-one of the Code of Criminal Procedure, or chapter eighteen of the Presidency Magistrates Act, 1877.

D. FITZPATRICK,
Secy. to the Govt. 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 3rd November, 1880, and is hereby promulgated for general information:—

ACT No. XV OF 1880.

An Act to amend the Bombay Revenue Jurisdiction Act, 1876.

Preamble.

WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing, and to make further provision for the recovery of certain advances made in the territories administered by the Governor of Bombay in Council for purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1880"; and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act No. X of 1876.

2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:

Provided that the repeal hereby effected, of the first clause of the said section seventeen, shall not operate in any Scheduled District unless and until the Bombay Land-revenue Code, 1879, has been extended to such district:

Provided also that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or legal by such clause.

Addition to section 32 of Act No. XIV of 1869 as amended by section 15 of Act No. X of 1876.

3. To section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section fifteen of the said Bombay Revenue Jurisdiction Act, 1876, the following words shall be added:—

Proviso.

"Provided that nothing in this section shall be deemed to apply to any suit merely because—

"(*a*) a municipal corporation constituted under Bombay Act No. VI of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation, or

"(*b*) an officer of a Court appointed under the Code of Civil Procedure, section 456, last paragraph, or selected under Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), section 9, is, in virtue of such appointment or selection, a party to such suit."

Governor in Council to make rules as to certain advances for purposes other than those specified in Act No. XXVI of 1871.

4. The Governor of Bombay in Council may, from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made in the territories administered by the said Governor in Council to holders (as defined in section 3 (11) of the Bombay Land-revenue Code, 1879) of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Recovery of such advances.

5. Every advance for any such purpose which may heretofore have been made by or on behalf of the Government in the said territories, and every advance which may hereafter be made under such rules, shall, when it becomes due, be recoverable, with the interest (if any) accrued due thereon, from the person to whom such advance was made, or from any person who has become surety for the repayment thereof, as if it were an arrear of land-revenue due by the person to whom the advance was made or by his surety.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 10, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1880, and was referred to a Select Committee:—

No. 9 of 1880.

A Bill to amend the Bombay Revenue Jurisdiction Act, 1876.

Preamble.

WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing, and to make further provision for the recovery of certain advances made in the territories administered by the Governor of Bombay in Council for purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1880";

Commencement.

and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act No. X of 1876.

2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:

Proviso as to second paragraph of section 17.

Provided that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or legal by the said clause.

Addition to section 32 of Act No. XIV of 1869 as amended by section 15 of Act No. X of 1876.

3. To section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section fifteen of the said Act, the following words shall be added:—

Proviso as to municipalities of which Government-officer a member.

"Provided that nothing in this section shall be deemed to apply to any suit merely because a municipal corporation constituted under Bombay Act No. VI of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation."

Act X of 1879, s. 3.

Governor in Council to make rules as to certain advances for purposes other than those specified in Act No. XXVI of 1871.

4. The Governor of Bombay in Council may, from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made in the territories administered by the said Governor in Council to owners and occupiers of arable land for the relief of distress, the purchase of seed or cattle or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Act X of 1879, s. 3.

Recovery of such advances.

5. Every advance for any such purpose which may heretofore have been made by or on behalf of the Government in the said territories, and every advance which may hereafter be made under such rules, shall, when it becomes due, be recoverable from the person to whom it was made, or from any person who has become surety for the repayment thereof, as if it were an arrear of land-revenue due by the person to whom the advance was made or by his surety.

STATEMENT OF OBJECTS AND REASONS.

THE passing of the Bombay Land-Revenue Code (Bombay Act No. V of 1879) has rendered certain of the provisions of the Bombay Revenue Jurisdiction Act (No. X of 1876) superfluous. Thus, sections 9 and 10 of that Act, which provide for appeals from the proceedings of Revenue-officers and for review of the orders passed on such appeals in certain specified cases, are covered by the provisions of the Code, which provide for such appeals and reviews generally. Again, the need for paragraph 1 of section 17 of the Act is removed by section 151 of the Code, whilst Bombay Regulation XVII of 1827, to which the second paragraph of the same section refers, is entirely repealed by the Code, sections 45 and 48 of which render lands within the sites of villages, towns and cities liable to assessment to the land-revenue.

2. The present Bill repeals all these provisions of the Revenue Jurisdiction Act. Care, however, has been taken, when repealing the second clause of section 17, to add a proviso maintaining the validity which that clause gives to things done before the Act was passed.

3. The opportunity has been taken to make one or two other amendments in connection with the Bombay Revenue Jurisdiction Act which have been suggested by the Bombay Government.

4. Section 8 of the Act had an intelligible meaning as it stood with its original context in Bombay Regulation V of 1830, section 1, clause 6; but, as it stands alone in the Act, its correct interpretation is by no means clear; and, as the Bombay Government state that in practice its provisions are a dead-letter, it has been thought advisable to repeal it altogether by the present Bill.

5. It has recently been held by the Bombay High Court (Melvill J. and Kemball J.), in the case of the Ahmadábád municipality (I. L. R. 3 Bom. p. 146), that, in a suit by or against a municipality constituted under the Bombay Municipal Act (No. VI of 1873), every individual Commissioner must be regarded as a party within the meaning of section 15 of the Revenue Jurisdiction Act, 1876; and that, consequently, if any officers of Government are in their official capacity Commissioners, such a suit can be entertained by the District Judge alone. A large number of the suits in which municipalities are concerned are of a trifling nature, and there appears to be no adequate reason for depriving the Subordinate Judges and the Judges of the Small Cause Courts of jurisdiction with regard to them, whilst the result of confining such suits to the Court of the District Judge is to impede that officer in the disposal of the more important suits and which properly fall within the jurisdiction of his Court. A proviso has, therefore, been added to section 34 of the Bombay Courts Act (No. XIV of 1869) as amended by section 15 of the Revenue Jurisdiction Act, saving from the provisions of the section suits by or against municipalities in cases in which Government officials are, as such, members of such municipalities.

6. Lastly, the third paragraph of section 17 of the Revenue Jurisdiction Act, though rendering advances made by Government for purposes other than those specified in the Land Improvement Act, 1871, recoverable as arrears of land-revenue, is restricted in its operation to the case of the persons to whom such advances have been made, and does not extend to the sureties of such persons. This is an evident defect in the law. Instead, however, of merely amending the paragraph, it has been thought more expedient to repeal it altogether and to enact a new provision based on section 3 of the Northern India Takkávi Act, 1879.

The 6th July, 1880.

B. W. COLVIN.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[First publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1880, and was referred to a Select Committee:—

No. 10 of 1880.

A Bill to exempt Pársís from certain provisions of the Administrator General's Act, 1874.

Preamble.

WHEREAS Hindús, Muhammadans and Buddhists are exempted from the operation of certain provisions of the Administrator General's Act (No. II), 1874, but are subject to the operation of certain other provisions of the said Act;

and whereas it is expedient that Pársís should be exempted from, and be subject to, the operation of the said Act to the same extent as Hindús, Muhammadans and Buddhists; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Administrator General's Act, 1880":

Commencement.

and it shall come into force at once.

Amendment of sections 16, 17, 18, 36 and 64 of Administrator General's Act, 1874.

2. In sections 16, 17, 18, 36 and 64 respectively of the said Act, between the word "Muhammadan" and the words "or Buddhist," wherever they occur, the word "Pársí" shall be inserted.

Saving of letters and certificates already granted.

3. Nothing herein contained shall affect any letters of administration or certificate granted under the said Act before the passing of this Act.

STATEMENT OF OBJECTS AND REASONS.

1. As the law now stands, all the provisions of the Administrator General's Act (No. II of 1874) apply to Pársís to the same extent as to their European and Christian fellow-subjects. On the other hand, Hindús, Muhammadans and Buddhists, though subject to certain portions of the Act which are expressly declared applicable to all persons without exception, are by the terms of the Act itself exempted from some of its most important provisions.

2. So far as can be gathered from various memorials and communications on the subject which have been received, the Pársís are almost unanimous in their desire to be exempted from the provisions of the Act, in the same manner and to the same extent as Hindús, Muhammadans and Buddhists.

3. Briefly stated, the chief grounds on which the Pársís base their claim to exemption appear to be, first, that there is no necessity for such an Act in their case; secondly, that in its operation the Act is oppressive and burdensome to them and repugnant to their social and religious customs.

4. With regard to the former ground, there is no doubt that the Act was originally designed to meet the case of Europeans and other foreigners similarly situated in this country, whereas Pársís are distinctly Asiatics with an Indian domicile. They have always relatives or friends willing to take charge of their property and to enforce its proper administration. It is thus clear that Pársís are in a totally different position from those for whose benefit the Act was intended; and it would accordingly seem that there is a great deal to be said in favour of the arguments of the Pársís on this ground.

5. As to the second ground, it could scarcely be contended that the provisions of the Administrator General's Act are in themselves either oppressive or burdensome; but, looking to the repugnance with which Pársís regard such an exposure of their family affairs and resources as would sometimes result if the Act were enforced in their case, it may be admitted that this second ground is not altogether without foundation.

6. The present Bill, by a slight alteration of the Administrator General's Act, 1874, puts Pársís in exactly the same position with regard to that Act as Hindús, Muhammadans and Buddhists.

SIMLA;
The 19th June 1880.

W. STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[First publication.]

The following Report of a Select Committee, on the Bill for the appointment of persons to the office of Kází, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd July, 1880:—

REPORT.

WE, the undersigned Members of the Select Committee to which the Bill for the appointment of persons to the office of Kází was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Secretary for Birár to Resident, Haidarábád, No. 77, dated 10th March, 1880 [Paper No. 1].
" Secretary to Chief Commissioner, Coorg, No. 1261-7, dated 8th March, 1880, and enclosures [Papers No. 2].
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 998-44, dated 12th March, 1880, and enclosures [Papers No. 3].
" Chief Secretary to Government, Madras, No. 556, dated 9th March, 1880, and enclosures [Papers No. 4].
" Ditto, ditto, No. 638, dated 19th March, 1880, and enclosures [Papers No. 5].
Acting Under Secretary to Government, Bombay, No. 2158, dated 27th March, 1880, and enclosures [Papers No. 6].
" Ditto, ditto, No. 2014, dated 20th March, 1880, and enclosures [Papers No. 7].
" Chief Secretary to Government, Madras, No. 718, dated 30th March, 1880, and enclosures [Papers No. 8].
" Chief Commissioner, Ajmer-Merwára, No. 247, dated 15th April, 1880 [Paper No. 9].
" Under Secretary to Government, Bengal, No. 2061, dated 15th April, 1880, and enclosures [Papers No. 10].
" Secretary to Government, North-Western Provinces and Oudh, No. 300, dated 6th May, 1880 [Paper No. 11].
" Secretary to Government, Panjáb, No. 1643, dated 27th April, 1880, and enclosures [Papers No. 12].
" Chief Commissioner, Ajmer-Merwára, No. 381, dated 28th May, 1880, and enclosures [Papers No. 13].
" Officiating Junior Secretary to Chief Commissioner, British Burma, No. 3501$\frac{2}{3}$, dated 28th May, 1880, and enclosures [Papers No. 14].
" Chief Secretary to Government, Madras, No. 1245, dated 24th May, 1880, and enclosure [Papers No. 15].

2. We have in section 2 restricted the power of the Local Government to suspend or remove a Kází by specifying the circumstances under which that power may be exercised.

3. We have, at the instance of some of the authorities consulted, added a section (3) empowering a Kází to appoint a Náib and suspend or remove him at pleasure.

There is a precedent for this in Bombay Regulation XXVI of 1827, section 5.

4. It has been urged by some of the authorities consulted that the Act should define the duties of the Kázís to be appointed under it, and should give them an exclusive right to perform those duties. Any attempt to do this would, we consider, be altogether outside the scope of the Bill as introduced and referred to us, and would, moreover, give a weight, which they have not at present, to the objections that have been taken to the Bill on the ground that it would practically force upon many persons the services of Kázís whom they did not care to employ.

We may add that in many places, owing to the way in which the Muhammadan population is split into sects, not always well defined, it would be almost impracticable to confer upon one or more persons a monopoly of the office.

5. We think it is clear that the Bill should be carefully confined to its original object, namely, that of providing a Kází appointed by the Government for those who desire to avail themselves of the services of such a Kází; and, as it has been suggested to us that a Kází appointed under the Bill as originally framed might possibly be held to have an exclusive claim to perform the duties of a Kází and to have a right to restrain others from performing those duties in the local area for which he was appointed, we have added a clause to section 4 to make it clear that he will not.

The result of the Bill as it now stands will be that there will be a Kází appointed by the Government for those who choose to avail themselves of his services, but that those who prefer to employ any other so-called Kází will be at liberty to do so.

6. The publication ordered by the Council has been made, except in Assam, Ajmer, the North-Western Provinces and Mysore; we do not consider that the changes now made are such as to render republication necessary; and we recommend that the Bill as amended be passed.

SAYYAD AHMAD.
WHITLEY STOKES.

The 2nd July, 1880.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[First publication.]

The following Report of a Select Committee, on the Bill to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd July, 1880 :—

REPORT.

WE, the undersigned Members of the Select Committee to which the Bill for giving power to prohibit the practice of inoculation, and to make the vaccination of children in certain Municipalities and Cantonments compulsory, was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Secretary for Birár to Resident, Haidarábád, No. 31, dated 20th March, 1879, and enclosures [Papers No. 1].
" Secretary to Government, Bengal, No. 4051, dated 2nd December, 1879, and enclosure [Papers No. 2].
" Babú Nilmadab Banarjí, Secretary, Indian Association, Cawnpore, dated 23rd November, 1879 [Paper No. 3].
" Pandit Lakhsmi Náráyana, Pleader, High Court, North-Western Provinces, dated 30th November, 1879 [Paper No. 4].
" Surgeon-Major J. Pinkerton, European General Hospital, Bombay, No. 288, dated 29th November, 1879 [Paper No. 5].
" Hon'ble Sayyad Ahmad Khán Bahádur, dated 13th December, 1879, and enclosures [Papers No. 6].
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 4933-268, dated 12th December, 1879, and enclosures [Papers No. 7].
" Secretary to Government, Panjáb, No. 4571, dated 19th December, 1879, and enclosures [Papers No. 8].
" Madan Gopal, Pleader, High Court, North-Western Provinces, dated 27th December, 1879 [Paper No. 9].
" Secretary to Chief Commissioner, Mysore and Coorg, No. 940-2, dated 23rd December, 1879 [Paper No. 10].
" Hon'ble Sayyad Ahmad Khán Bahádur, dated 9th December, 1879, and enclosures [Papers No. 11].
" Secretary for Birár to Resident, Haidarábád, No. 39, dated 29th December, 1879 [Paper No. 12].
" Secretary to Chief Commissioner, Assam, No. 15T., dated 31st December, 1879 [Paper No. 13].
" Chief Commissioner, Ajmer-Merwára, No. 8, dated 5th January, 1880, and enclosures [Papers No. 14].
" Certain residents of Benares [Papers No. 15].
" Secretary to Government, Panjáb, No. 20, dated 3rd January, 1880, and enclosure [Papers No. 16].
" Secretary to Government, North-Western Provinces and Oudh, No. 18, dated 14th January, 1880, and enclosures [Papers No. 17].
" Secretary to Government, Panjáb, No. 173, dated 12th January, 1880, and enclosures [Papers No. 18].
" Junior Secretary to Chief Commissioner, British Burma, No. 477, dated 22nd January, 1880, and enclosures [Papers No. 19].
" Secretary to Government, North-Western Provinces and Oudh, No. 60, dated 3rd February, 1880, and enclosures [Papers No. 20].
" Ditto, ditto, ditto, No. 70, dated 9th February, 1880, and enclosures [Papers No. 21].
Amendments suggested by various local authorities, &c. [Paper No. 22].
From Junior Secretary to Government, North-Western Provinces and Oudh, No. 104, dated 21st February, 1880, and enclosures [Papers No. 23].
" Ditto, ditto, ditto, No. 328, dated 12th May, 1880, and enclosure [Papers No. 24].
Minute by His Highness Ragbír Singh, Rájá of Jheend, dated June, 1880 [Paper No. 25].
Extracts from Annual Reports of Sanitary Commissioner for Bombay for 1877 and 1878 [Papers No. 26].
From Surgeon-Major W. R. Cornish, Sanitary Commissioner, Government of Madras, No. 120V., dated 16th March, 1880 [Paper No. 27].

2. The most important point we have had to deal with is that to which our attention was directed by the instruction with which the Bill was referred to us, namely, "the expediency of providing that the Act should not be introduced into any municipality or military cantonment unless the local authorities were satisfied that there was a preponderance of local Native opinion, so far as could be ascertained, in favour of its application."

3. We are of opinion that there is no need of imposing any such limitation on the extension of the Act to cantonments. A large proportion of the civil residents of an Indian cantonment consists of persons who, in the wider sense of the words, may be called followers of the army; and all who take up their abode there do so with the knowledge that they are joining a community subject to exceptional laws of a peculiarly stringent nature, especially in matters of conservancy and sanitation. This being so, we do not think that the application to them of a measure of this description, so necessary for the protection of the military class for whose benefit cantonments are established, can afford any reasonable ground of complaint.

4. The case of a municipality, on the other hand, stands on a totally different footing. There, as we believe, some limitation to the power of extending the Act is clearly desirable, and we have accordingly provided (section 3), first, that the Local Government shall move in the matter only on the application of a majority of the Municipal Commissioners assembled at a meeting specially convened for this purpose; and, secondly, that, before the Act is extended, a notification shall be issued in the same way as when it is proposed to extend certain municipal Acts, allowing six weeks to persons who object to the extension to submit their objections for the consideration of the Local Government.

5. Subject to these two checks, we think that the power of extending the Act to a municipality may be safely confided to the Local Government.

6. In connection with this matter of the extension of the Act, we think it well to explain that we have omitted all reference to the application of the Act to cantonments situate beyond the limits of British India only because we consider that such cantonments should be dealt with not by an Act of the legislature, but, according to the practice uniformly adopted of late years, by orders issued by the Executive Government.

7. We have (section 2, clause 8) left to the Local Government to fix the limits of the "vaccination-season," as it appears that neither the limits fixed by the Bill as introduced nor any other absolutely fixed limits would be suitable everywhere throughout the widely varying territories to which the Bill is applicable.

8. We have provided a power to extend the Act to any part of a municipality or cantonment, as well as to the whole, and a power to withdraw any local area to which the Act may have been applied from its operation.

9. We have (section 9) fixed as the limit of age up to which vaccination can be insisted on fourteen years for boys and eight years for girls. The reason for putting this latter limit so low will be obvious to any one who reads the papers connected with the Bill and considers the feelings of the Natives of this country on such matters.

On the other hand, we have, with a view to insuring protection at an earlier age, reduced the age at which vaccination becomes compulsory from one year to six months, and further reduced from three months to one the time allowed for procuring the vaccination of a child brought into a municipality subject to the Act.

10. The power of granting a certificate of insusceptibility to vaccination was, by the Bill as introduced, placed in the hands of the vaccinators. We do not think it could safely be entrusted to Native officials of that rank, and we have accordingly (section 14) restricted it to the Superintendent of Vaccination.

11. In section 15 we have dealt with the important question of the lymph to be used.

The Bill as introduced provided, in deference to the views of those who fear the dissemination of constitutional diseases by arm-to-arm vaccination, that animal-lymph should be used whenever it was procurable.

We have thought it well to modify this: whatever difference of opinion there may be as to the precise degree of danger involved in arm-to-arm vaccination, it is clear that the risk arising from it is with ordinary care so small as to render a rule of this sort altogether unnecessary.

Moreover, we are of opinion that no such hard-and-fast rule could safely be laid down for tracts of country so extensive, so widely scattered and so diversified as those to which the present Bill applies.

12. Vaccination with animal-lymph may, no doubt, be pronounced on the whole a success in the town of Bombay and in other places where it has been tried; but it appears from the papers submitted to us that, owing to some causes as yet unexplained, it occasionally fails or produces inflammation. Moreover, it has been suggested from some parts of the country, and the objection has been also put forward in a paper which has just been circulated by our hon'ble colleague the Rájá of Jhínd, that the use of animal-lymph would be distasteful to the Hindú portion of the community. This, we must observe, is contrary to the experience acquired by the working of the animal-lymph system in Bombay; but there is no saying how far an objection of this sort may be felt elsewhere; and we cannot accordingly omit the point altogether from consideration.

13. On the whole, we have deemed it best to leave it to the local authorities to determine the description of lymph to be used, reserving at the same time to any parent objecting to the lymph prescribed a right to have his child vaccinated with lymph of the other description.

As, however, vaccination with animal-lymph requires special arrangements involving a certain amount of expenditure, and as, moreover, allowing an option of vaccination with animal-lymph when human lymph is prescribed is a concession to apprehensions, which have in the opinion of the most competent judges but little foundation, we have thought it right to provide that any person exercising this option shall be required to pay a small fee, the maximum limit of which we have fixed at one rupee.

14. We have omitted section 14 of the Bill as introduced, which purported to prohibit a vaccinator taking lymph from a vaccinated child without the consent of the parent, and to legalize an offer of remuneration for such consent. It need hardly be observed that such a provision would have been mere surplusage, adding nothing to the existing law; and it has been objected to by persons of experience as likely to suggest difficulties and objections where none are now made.

15. We have in section 18 provided that the Magistrates, other than the Magistrate of the district, by whom the provisions of the Act are to be enforced shall, as far as is conveniently practicable, be natives of India, and not paid servants of the Government. This we think will secure the object in view, namely, that of working, as far as possible, through Native Honorary Magistrates, more effectually than section 25 of the original Bill, which really added nothing to the existing law.

16. We have in section 22, clause (c), provided an enhanced penalty against a parent who, having been punished for refusing to have his child vaccinated, still persists in his refusal. We think this is preferable to the somewhat impracticable course suggested to us of empowering the Magistrate to order the child to be vaccinated in spite of the parent's resistance.

17. The publication ordered by the Council has been made. The amendments we have made, in so far as they affect the persons to whom the Act will apply, are on the whole calculated to place additional restrictions on the exercise of the powers conferred, to give the people a larger share in the working of the measure, and in other ways to diminish its stringency. The only exception of any importance is the fresh penalty referred to in the last preceding paragraph. Under these circumstances we consider any further publication unnecessary; and we recommend that the Bill as amended be passed.

The 2nd July, 1880.

SAYYAD AHMAD.
WHITLEY STOKES.
J. GIBBS.
B. W. COLVIN.
CHARLES GRANT.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 17, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1880, and was referred to a Select Committee:—

No. 9 of 1880.

A Bill to amend the Bombay Revenue Jurisdiction Act, 1876.

Preamble.

WHEREAS it is expedient to amend the Bombay Revenue Jurisdiction Act, 1876, in manner hereinafter appearing, and to make further provision for the recovery of certain advances made in the territories administered by the Governor of Bombay in Council for purposes other than those specified in the Land Improvement Act, 1871; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1880";

Commencement.

and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act No. X of 1876.

2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:

Proviso as to second paragraph of section 17.

Provided that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or legal by the said clause.

Addition to section 32 of Act No. XIV of 1869 as amended by section 15 of Act No. X of 1876.

3. To section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section fifteen of the said Act, the following words shall be added:—

Proviso as to municipalities of which Government-officer a member.

"Provided that nothing in this section shall be deemed to apply to any suit merely because a municipal corporation constituted under Bombay Act No. VI of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation."

Act X of 1879, s. 3.

Governor in Council to make rules as to certain advances for purposes other than those specified in Act No. XXVI of 1871.

4. The Governor of Bombay in Council may, from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made in the territories administered by the said Governor in Council to owners and occupiers of arable land for the relief of distress, the purchase of seed or cattle or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Act X of 1879, s. 3.

Recovery of such advances.

5. Every advance for any such purpose which may heretofore have been made by or on behalf of the Government in the said territories, and every advance which may hereafter be made under such rules, shall, when it becomes due, be recoverable from the person to whom it was made, or from any person who has become surety for the repayment thereof, as if it were an arrear of land-revenue due by the person to whom the advance was made or by his surety.

STATEMENT OF OBJECTS AND REASONS.

THE passing of the Bombay Land-Revenue Code (Bombay Act No. V of 1879) has rendered certain of the provisions of the Bombay Revenue Jurisdiction Act (No. X of 1876) superfluous. Thus, sections 9 and 10 of that Act, which provide for appeals from the proceedings of Revenue-officers and for review of the orders passed on such appeals in certain specified cases, are covered by the provisions of the Code, which provide for such appeals and reviews generally. Again, the need for paragraph 1 of section 17 of the Act is removed by section 151 of the Code, whilst Bombay Regulation XVII of 1827, to which the second paragraph of the same section refers, is entirely repealed by the Code, sections 45 and 48 of which render lands within the sites of villages, towns and cities liable to assessment to the land-revenue.

2. The present Bill repeals all these provisions of the Revenue Jurisdiction Act. Care, however, has been taken, when repealing the second clause of section 17, to add a proviso maintaining the validity which that clause gives to things done before the Act was passed.

3. The opportunity has been taken to make one or two other amendments in connection with the Bombay Revenue Jurisdiction Act which have been suggested by the Bombay Government.

4. Section 8 of the Act had an intelligible meaning as it stood with its original context in Bombay Regulation V of 1830, section 1, clause 6; but, as it stands alone in the Act, its correct interpretation is by no means clear; and, as the Bombay Government state that in practice its provisions are a dead-letter, it has been thought advisable to repeal it altogether by the present Bill.

5. It has recently been held by the Bombay High Court (Melvill J. and Kemball J.), in the case of the Ahmadábád municipality (I. L. R. 3 Bom. p. 146), that, in a suit by or against a municipality constituted under the Bombay Municipal Act (No. VI of 1873), every individual Commissioner must be regarded as a party within the meaning of section 15 of the Revenue Jurisdiction Act, 1876; and that, consequently, if any officers of Government are in their official capacity Commissioners, such a suit can be entertained by the District Judge alone. A large number of the suits in which municipalities are concerned are of a trifling nature, and there appears to be no adequate reason for depriving the Subordinate Judges and the Judges of the Small Cause Courts of jurisdiction with regard to them, whilst the result of confining such suits to the Court of the District Judge is to impede that officer in the disposal of the more important suits and which properly fall within the jurisdiction of his Court. A proviso has, accordingly, been added to section 34 of the Bombay Courts Act (No. XIV of 1869) as amended by section 15 of the Revenue Jurisdiction Act, saving from the provisions of the section suits by or against municipalities in cases in which Government officials are, as such, members of such municipalities.

6. Lastly, the third paragraph of section 17 of the Revenue Jurisdiction Act, though rendering advances made by Government for purposes other than those specified in the Land Improvement Act, 1871, recoverable as arrears of land-revenue, is restricted in its operation to the case of the persons to whom such advances have been made, and does not extend to the sureties of such persons. This is an evident defect in the law. Instead, however, of merely amending the paragraph, it has been thought more expedient to repeal it altogether and to enact a new provision based on section 3 of the Northern India Takkáví Act, 1879.

The 6th July, 1880.

B. W. COLVIN.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Second publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1880, and was referred to a Select Committee:—

No. 10 of 1880.

A Bill to exempt Pársís from certain provisions of the Administrator General's Act, 1874.

Preamble.

WHEREAS Hindús, Muhammadans and Buddhists are exempted from the operation of certain provisions of the Administrator General's Act (No. II), 1874, but are subject to the operation of certain other provisions of the said Act;

and whereas it is expedient that Pársís should be exempted from, and be subject to, the operation of the said Act to the same extent as Hindús, Muhammadans and Buddhists; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Administrator General's Act, 1880":

Commencement.

and it shall come into force at once.

Amendment of sections 16, 17, 18, 36 and 64 of Administrator General's Act, 1874.

2. In sections 16, 17, 18, 36 and 64 respectively of the said Act, between the word "Muhammadan" and the words "or Buddhist," wherever they occur, the word "Pársí" shall be inserted.

Saving of letters and certificates already granted.

3. Nothing herein contained shall affect any letters of administration or certificate granted under the said Act before the passing of this Act.

STATEMENT OF OBJECTS AND REASONS.

1. As the law now stands, all the provisions of the Administrator General's Act (No. II of 1874) apply to Pársís to the same extent as to their European and Christian fellow-subjects. On the other hand, Hindús, Muhammadans and Buddhists, though subject to certain portions of the Act which are expressly declared applicable to all persons without exception, are by the terms of the Act itself exempted from some of its most important provisions.

2. So far as can be gathered from various memorials and communications on the subject which have been received, the Pársís are almost unanimous in their desire to be exempted from the provisions of the Act, in the same manner and to the same extent as Hindús, Muhammadans and Buddhists.

3. Briefly stated, the chief grounds on which the Pársís base their claim to exemption appear to be, first, that there is no necessity for such an Act in their case; secondly, that in its operation the Act is oppressive and burdensome to them and repugnant to their social and religious customs.

4. With regard to the former ground, there is no doubt that the Act was originally designed to meet the case of Europeans and other foreigners similarly situated in this country, whereas Pársís are distinctly Asiatics with an Indian domicile. They have always relatives or friends willing to take charge of their property and to enforce its proper administration. It is thus clear that Pársís are in a totally different position from those for whose benefit the Act was intended; and it would accordingly seem that there is a great deal to be said in favour of the arguments of the Pársís on this ground.

5. As to the second ground, it could scarcely be contended that the provisions of the Administrator General's Act are in themselves either oppressive or burdensome; but, looking to the repugnance with which Pársís regard such an exposure of their family affairs and resources as would sometimes result if the Act were enforced in their case, it may be admitted that this second ground is not altogether without foundation.

6. The present Bill, by a slight alteration of the Administrator General's Act, 1874, puts Pársís in exactly the same position with regard to that Act as Hindús, Muhammadans and Buddhists.

SIMLA;
The 19th June 1880.

W. STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 24, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

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Short title.

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Commencement.

and it shall come into force at once.

Repeal of sections 8, 9, 10 and 17 of Act No. X of 1876.

2. Sections eight, nine, ten and seventeen of the said Bombay Revenue Jurisdiction Act, 1876, are hereby repealed:

Proviso as to second paragraph of section 17.

Provided that the repeal of the second clause of the said section seventeen shall not be deemed to render invalid or illegal anything made valid or legal by the said clause.

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3. To section thirty-two of the Bombay Civil Courts Act, No. XIV of 1869, as amended by section fifteen of the said Act, the following words shall be added:—

Proviso as to municipalities of which Government-officer a member.

"Provided that nothing in this section shall be deemed to apply to any suit merely because, a municipal corporation constituted under Bombay Act No. VI of 1873, or any other enactment for the time being in force, is a party to such suit and an officer of Government is in his official capacity a member of such corporation."

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2. The present Bill repeals all these provisions of the Revenue Jurisdiction Act. Care, however, has been taken, when repealing the second clause of section 17, to add a proviso maintaining the validity which that clause gives to things done before the Act was passed.

3. The opportunity has been taken to make one or two other amendments in connection with the Bombay Revenue Jurisdiction Act which have been suggested by the Bombay Government.

4. Section 8 of the Act had an intelligible meaning as it stood with its original context in Bombay Regulation V of 1830, section 1, clause 6; but, as it stands alone in the Act, its correct interpretation is by no means clear; and, as the Bombay Government state that in practice its provisions are a dead-letter, it has been thought advisable to repeal it altogether by the present Bill.

5. It has recently been held by the Bombay High Court (Melvill J. and Kemball J.), in the case of the Ahmadábád municipality (I. L. R. 3 Bom. p. 146), that, in a suit by or against a municipality constituted under the Bombay Municipal Act (No. VI of 1873), every individual Commissioner must be regarded as a party within the meaning of section 15 of the Revenue Jurisdiction Act, 1876; and that, consequently, if any officers of Government are in their official capacity Commissioners, such a suit can be entertained by the District Judge alone. A large number of the suits in which municipalities are concerned are of a trifling nature, and there appears to be no adequate reason for depriving the Subordinate Judges and the Judges of the Small Cause Courts of jurisdiction with regard to them, whilst the result of confining such suits to the Court of the District Judge is to impede that officer in the disposal of the more important suits and which properly fall within the jurisdiction of his Court. A proviso has, therefore, been added to section 34 of the Bombay Courts Act (No. XIV of 1869) as amended by section 15 of the Revenue Jurisdiction Act, saving from the provisions of the section suits by or against municipalities in cases in which Government officials are, as such, members of such municipalities.

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The 6th July, 1880.

B. W. COLVIN.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Third publication]

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Short title.

1. This Act may be called "The Administrator General's Act, 1880":

Commencement.

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Amendment of sections 16, 17, 18, 36 and 64 of Administrator General's Act, 1874.

2. In sections 16, 17, 18, 36 and 64 respectively of the said Act, between the word "Muhammadan" and the words "or Buddhist," wherever they occur, the word "Pársí" shall be inserted.

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3. Nothing herein contained shall affect any letters of administration or certificate granted under the said Act before the passing of this Act.

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2. So far as can be gathered from various memorials and communications on the subject which have been received, the Pársís are almost unanimous in their desire to be exempted from the provisions of the Act, in the same manner and to the same extent as Hindús, Muhammadans and Buddhists.

3. Briefly stated, the chief grounds on which the Pársís base their claim to exemption appear to be, first, that there is no necessity for such an Act in their case; secondly, that in its operation the Act is oppressive and burdensome to them and repugnant to their social and religious customs.

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5. As to the second ground, it could scarcely be contended that the provisions of the Administrator General's Act are in themselves either oppressive or burdensome; but, looking to the repugnance with which Pársís regard such an exposure of their family affairs and resources as would sometimes result if the Act were enforced in their case, it may be admitted that this second ground is not altogether without foundation.

6. The present Bill, by a slight alteration of the Administrator General's Act, 1874, puts Pársís in exactly the same position with regard to that Act as Hindús, Muhammadans and Buddhists.

SIMLA;
The 19th June 1880.

W. STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd July, 1880, and was referred to a Select Committee :—

No. 11 of 1880.

THE CENTRAL PROVINCES LAND-REVENUE BILL, 1880.

CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Enactments repealed.
3. Pending proceedings brought under Act.
4. Interpretation-clause.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

5. Chief Controlling Revenue-authority.
6. Revenue-officers.
7. Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.
8. Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.
9. Persons holding office when Act comes into force.
10. Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.
11. Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.
12. Officers transferred to retain powers with which they were invested.
13. Provision for discharge of duties of Deputy Commissioner dying or being disabled.
14. Chief Commissioner may alter boundaries of tahsíl.
15. Power to make rules—
    conferring certain powers;
    determining by whom cases to be disposed of.
16. Power of Deputy Commissioner to distribute work.
17. Power of superior Revenue-authorities to withdraw and transfer cases.
18. Power of Revenue-officers to enter on lands, &c.
19. Power to make rules to regulate procedure.
20. Persons by whom appearances and application may be made before and to Revenue-officers.
    Obligation of parties to attend in person.

SECTIONS.

21. Legal practitioner's or agent's fees not allowed, unless for special reasons.
22. Appeals.
23. Limitation of appeals.
24. Powers of revision of Commissioner and Deputy Commissioner.
25. Powers of revision of Chief Commissioner.
26. Review of orders.

PART III.

OF SETTLEMENT.

CHAPTER III.

PRELIMINARY.

27. Notification of revenue-survey.
    Effect thereof.
28. Notification of settlement.
    Power to amend notification.
29. Power to appoint Settlement-officers; and to suspend and remove them.
30. Power to enter on and survey land.
31. Settlement-officer may be invested with powers of a Deputy Commissioner.
32. Certain provisions of chapter II applied to Settlement-officers.
33. Appointment of Settlement-Commissioner. Delegation to him of Chief Commissioner's powers.
34. Power to invest Settlement-officers with Civil Court powers.
35. Appeals in suits heard under section 34.
36. Other appeals in local area under settlement.
37. Division of civil work between Settlement-officers and ordinary Courts.
38. Appeal, reference and revision.
39. Duration of settlement-operations.
    Cases pending at close of settlement-operations.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

40. Settlement-officer to invite claims to lands appearing to have no owner.
41. Application of Act XXIII of 1863.
42. Procedure when limited right over land established.

Mahâls.

43. Power to form mahâls.

Excluded Lands.

44. Settlement-officer may exclude portions of mahâl from settlement-operations.

Boundary-marks and Maps.

45. Erection of new, and repair of existing boundary-marks.
46. Preparation of maps.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

47. Separate sum to be assessed on every mahâl.
    Progressive assessments.
48. Matters as to which Chief Commissioner is to instruct Settlement-officer.

SECTIONS.

49. What land taken into account in assessing mahál.
50. Settlement with whom to be made.
51. Sub-settlement to be made with inferior proprietors when settlement is made with superior.
52. What inferior proprietors are to pay when settlement is made with them.
53. Power to issue rules for reporting assessment for sanction.
54. Offers of assessment to be announced subject to revision and confirmation.
55. Option to accept or refuse assessment.
Mode of acceptance.
56. Proprietor not attending may be deemed to have accepted.
57. Effect of acceptance of assessment.
Assessment may be rescinded by Chief Commissioner;
or by Governor General in Council.
Malguzár may object to continuance of assessment beyond term of settlement.
Saving of right to partition mahál.
58. Procedure when assessment is declined.
59. Procedure when only some proprietors accept assessment.
60. Procedure on refusal of assessment in village in which superior and inferior rights exist.
61. Procedure on refusal of sub-settlement by inferior proprietors.
62. Allowance to excluded proprietors.
63. Excluded proprietors to have occupancy-rights in their sír-land.
64. Sub-settlement with Málik-makbúzás and other like proprietors.
65. Revenue payable under sub-settlement to be first charge on land.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

66. Settlement-officer to ascertain proprietors.
67. To determine extent of sír-land.
68. To decide disputes among shareholders regarding management of village.
69. To distribute assessment over lands held in severalty.
70. To determine through what lambardárs revenue shall be paid.
71. To determine status and rents of tenants.
72. To re-distribute land according to custom.
73. Enquiry into claims to hold revenue-free as against Government.
Power of Chief Commissioner to issue rules.
74. Inquiry as to claims to hold revenue-free as against malguzárs.
75. Time from which orders under sections 73 and 74 take effect.
Chief Commissioner may prescribe rules for disposal of such cases.
76. Settlement-officer to decide what village-cesses are leviable.
77. To determine certain disputes.
78. Procedure in cases under sections 66, 67, 68, 71 and 77 (*b*), (*c*) and (*d*).
79. Record-of-rights.
80. Chief Commissioner may make rules regarding Record-of-rights.

SECTIONS.

81. Record-of-rights to be made over to Deputy Commissioner.
82. Effect of entries in Record-of-rights.
83. Suits to contest certain settlement decisions or entries.
84. Revision of Record-of-rights by Chief Commissioner.
85. Proceedings regarding lands the property of Government.

CHAPTER VII.

OF PROVINCIAL CESSES.

86. Assessment of provincial cesses.

CHAPTER VIII.

OF SETTLEMENTS MADE BEFORE THE PASSING OF THIS ACT.

87. Former settlements deemed to have been made under Act.
88. Effect of awards of proprietary-right at such settlements.
89. When suits for proprietary-right will lie in Civil Courts.
90. Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER IX.

OF THE COLLECTION OF LAND-REVENUE.

91. Power of Chief Commissioner to regulate payment of land-revenue.
92. "Arrear."
"Defaulters."

Of the Realization of Government Revenue from Malguzárs.

93. Tahsíldár's statement of account to be conclusive evidence of arrear.
94. Notice of demand.
95. Processes for recovery of arrears.
96. Arrest and imprisonment for recovery of arrear.
97. Imprisonment of defaulter in civil jail.
98. Procedure in sales of moveable property.
99. Management of share or pattí attached under section 95, clause (*c*).
100. Effect of attachment.
101. Profits of land how applied.
102. Attachment when to cease.
103. Transfer under section 95 (*d*).
Joint and several liability not affected by transfer.
104. Procedure after receipt of sanction to annulment of settlement.
105. Settlement on expiry of farm or management.
106. Case of a portion of a mahál being farmed or managed.
107. Saving of rights in sír-land.
108. Nature of estate taken by purchaser of land sold for arrears due thereon.
109. Rules for sale of immoveable property.
110. Pre-emption at sales.

SECTIONS.

111. Application of proceeds of sale of immoveable property.
112. Costs recoverable as part of arrear.
113. Matters as to which Chief Commissioner may make rules.
114. Remedies open to person denying that sum demanded as an arrear is due.

Of the Realization of Revenue by Malguzárs.

115. Limitation of right to set-off, &c., in suit for arrears.
116. Recovery of arrear through Deputy Commissioner instead of by suit.
117. Saving of right of proprietor to demand revenue of land assessed to revenue and held free.
118. Limitation in suits for revenue.

Interest on Arrears.

119. Interest on arrears.

CHAPTER X.

OF THE MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS.

120. Correction of Record-of-rights.
121. Revision of record in accordance with provision therein contained.
122. Powers of Deputy Commissioner as to correction or revision of record.
123. Power to direct that rule or custom entered in Record-of-rights shall be enforced by Government.
Punishment of violation of such rule or custom.
124. Powers of Chief Commissioner as to registration of changes after preparation of Record-of-rights.
125. Possession of proprietary-rights to be notified.
126. Fine for neglect to give notice of possession.
127. Obligation to aid in preparation of village-papers.
128. Fees for mutations.
129. From whom leviable.
130. Annual enquiry regarding revenue-free holdings.
Procedure on expiry of term of grant.
131. Procedure on breach of condition of release.
132. Inspection of revenue-records.

CHAPTER XI.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

133. Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.
134. Purposes for which officers may be invested with Settlement-officer's powers.
135. Cognizance of, and penalty for, offence of injuring boundary-marks.
136. Procedure when person injuring cannot be found.
137. Partition of a mahál into two mahals.

SECTIONS.

CHAPTER XII.

VILLAGE-OFFICERS AND PATWÁRÍS.

138. Power to make rules as to officers.
139. Duties of lambardárs.
140. Lambardárs may recover fees and other charges from proprietors.
141. Deputy Commissioner may alter channel through which malik-makbúzá pays revenue.
Effect of order for payment of revenue direct to Government.
142. Duties of mukaddams.
143. Liabilities imposed by law on land-holders to attach to mukaddams.
144. Power to mukaddams to recover certain expenses incurred.
145. Chief Commissioner may make rules as to patwárís.
146. In framing rules regard to be had to hereditary claims, &c.
147. Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.
148. Chief Commissioner may define duties of patwárís.
Patwárís' papers to be public documents.
149. Patwárís to produce papers for inspection, and to deliver them to persons entitled.
150. Existing officers confirmed.
151. Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

PART V.

CHAPTER XIII.

MISCELLANEOUS.

152. Exclusive jurisdiction of Revenue-authorities in matters under this Act.
Proceedings under this Act not to be impeached.
153. For what village-cesses suit lies.
154. Limitation of claims for compensation in case of waste-land demarcated as property of Government.
155. Obligations of owners as to boundary-marks.
156. Restriction on Revenue and Settlement officers trading and holding land.
157. Upon proclamation under section 99 or 104, all sums due as rent or otherwise become payable to Deputy Commissioner.
Payment to proprietor in anticipation of due date.
158. Recovery of sums payable to Deputy Commissioner or his agent.
159. Recovery of balances due by farmers.
160. Recovery of revenue due when Act comes into force and of money payable under Act.
161. Past proceedings for collection of revenue legalized.
162. Chief Commissioner may empower persons by name, or confer powers on classes.
163. Chief Commissioner may vary or cancel order.
164. Chief Commissioner may make rules, and attach penalty to breach thereof.

SCHEDULE I.

SCHEDULE II—ENACTMENTS REPEALED.

Abbreviations used in the margin.

Nos. 1, 2 and 3 refer to the papers relating to the Bill.

B. 1 B. 2, &c., refer to the sections of an amended draft of Mr. Jones' Bill prepared by Mr. F. Cockerell.

A Bill to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Land-revenue Act, 1880":

B. 1. Local extent.

It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces, except those specified in Part VI of the first schedule of the Scheduled Districts Act, 1874;

Commencement.

and it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may appoint in this behalf.

B. 2. Cf. Act XX of 1876, s. 2, proviso. Enactments repealed.

2. The enactments mentioned in the second schedule hereto annexed, and all rules, regulations and enactments relating to the settlement and collection of the land-revenue, are repealed.

B. 3. Pending proceedings brought under Act.

3. All proceedings relating to matters dealt with by this Act, and pending at the time this Act comes into force before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

B. 4. Interpretation-clause.

4. In this Act, unless there is something repugnant in the subject or context, the following words and phrases shall be construed as next hereinafter provided, that is to say,—

"Assistant Commissioner."

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

Act XVIII of 1879, s. 3. "Legal Practitioner."

(2) "Legal Practitioner" means an advocate, vakíl or attorney of any High Court, a pleader, mukhtár or revenue-agent:

"Village-cess."

(3) "Village-cess" means a cess which persons resident or holding lands in a village pay or render to the proprietors as such of the village;

and includes service rendered or things furnished as well as money paid;

"Village-servants."

(4) "Village-servants" does not include the patwári:

Cf. Act X of 1877, s. 37. "Recognized agent."

(5) "Recognized agent" means a person belonging to any class which the Local Government may from time to time, by notification in the official Gazette, declare in this behalf, and who is authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do acts in such proceeding on his behalf:

"Agricultural year."

(6) "Agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may from time to time prescribe: New.

"Sír-land." Cf. B. 161. No. 2, ¶ 2 to 7.

(7) "Sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement; or (*b*) land not so recorded, but which has been continuously cultivated by the proprietor or one of the proprietors thereof for not less than twelve years; or (*c*) land which, being left uncultivated otherwise than in the ordinary course of husbandry, has been broken up by the proprietor or one of the proprietors thereof and continuously cultivated by him for not less than six years;

Provided that such land has not, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been, continuously for a period of three years, unoccupied by such proprietor.

Explanation 1st.—Land is not unoccupied by the proprietor within the meaning of this definition when it is leased out by him with an express reservation of his sír-rights:

Explanation 2nd.—Sír-land includes "bhogra" land in Sambalpúr:

"Mahál." New.

(8) "Mahál" means—

any local area the limits of which have been fixed under section forty-three or section one hundred and thirty-three, clause (*c*):

"Village."

(9) "Village" includes any tract of land which, at the last settlement, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Málik-makbúzá." New.

(10) "Málik-makbúzá" means any person owning one or more plots of land in a mahál and having no other proprietary rights in such mahál:

"Provincial cess."

(11) "Provincial cess" means the road-cess, school-cess and dák-cess assessed under this Act:

"Málguzár."

(12) "Málguzár" means a person who, under section fifty-five, has accepted, or under section fifty-six is to be deemed to have accepted, the assessment of a mahál.

"Lambardár." New.

(13) "Lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

"Sub-lambardár." New.

(14) "Sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with superior proprietors:

"Mukaddam." New.

(15) "Mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

"Tenant." Taken from Tenancy Act.

(16) "Tenant" means a person who holds land of another person, and is, or would be, liable to pay rent for such land to such other person, but it does not include a farmer,

thekadár or other similar lessee of a whole village or a large portion thereof.

Explanation.—An inferior proprietor is not, as such, a tenant.

Take from Tenancy Act. "Rent."

(17) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land:

Do. "Pay" and "payable."

(18) "Pay" and "payable" used with reference to rent include "deliver" and "deliverable":

Do. "Absolute occupancy-tenant."

(19) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before the passing of this Act, or after such a settlement but before the passing of this Act, was recorded in respect of such land as an "absolute occupancy-raiyat," or in terms equivalent thereto:

"Record-of-rights."

(20) "Record-of-rights" includes the "supplementary administration-paper" prepared at the time of making a settlement before the passing of this Act.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

B. 5. Chief Controlling Revenue-authority.

5. The Chief Commissioner shall, subject to the superior control of the Governor General in Council, be the Chief Controlling Revenue-authority.

B. 6. Revenue-officers.

6. Besides the Chief Commissioner, there shall be the following classes of Revenue-officers (namely):—

(*a*) Commissioners, who, subject to the control of the Chief Commissioner, shall be the chief Revenue-authorities within their respective divisions;

(*b*) Deputy Commissioners, who, subject to the control of the Commissioner, shall be the chief Revenue-authorities within their respective districts;

(*c*) Assistant Commissioners, who shall be subordinate to and under the control of the Deputy Commissioners of the districts to which they are respectively attached;

(*d*) Tahsíldárs, who, subject to the control of the Deputy Commissioner, shall be the chief executive Revenue-authorities in the tahsíls to which they are respectively attached;

(*e*) Náib Tahsíldárs, who shall be subordinate to the Tahsíldárs, of the tahsíls to which they are respectively attached.

B. 7. Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.

7. Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, Commissioners, Deputy Commissioners and Assistant Commissioners shall be appointed, and may be suspended or removed from their appointments, by the Chief Commissioner.

B. 8. Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

8. The Chief Commissioner shall appoint and may suspend or remove Tahsíldárs; and may also prescribe rules for regulating the appointment, duties and dismissal of Náib Tahsíldárs.

New. Persons holding office when Act comes into force.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the Central Provinces on the date on which this Act comes into force shall be deemed to have been appointed hereunder.

B. 11. Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.

10. The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed.

The Chief Commissioner may invest any additional Commissioner, Deputy Commissioner, or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár as the case may be.

B. 9: Act XIX of 1873, s. 12. Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.

11. The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

B. 13: Act XIX of 1873, s. 21. Officers transferred to retain powers with which they were invested.

12. Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was under any provision of this Act invested in the district or tahsíl from which he is transferred.

B. 14: Act XIX of 1873, s. 20. Provision for discharge of duties of Deputy Commissioner dying or being disabled.

13. If a Deputy Commissioner dies, or is disabled from performing his duties, the officer taking, subject to such rules as the Chief Commissioner may from time to time make in this behalf, executive charge of his district shall be held to be the Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor takes charge of his office, or until the person so disabled resumes charge of his office.

B. 12: Act XIX of 1873, s. 14. Chief Commissioner may alter boundaries of tahsíl.

14. The Chief Commissioner may from time to time alter the limits of any tahsíl, and create new tahsíls, or abolish existing tahsíls.

B. 260, 261: Act II of 1876, ss. 57 and 58. Power to make rules—

15. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules—

(*a*) conferring upon any Revenue-officer, for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure on a Civil Court for the trial of suits or execution of decrees; conferring certain powers;

(*b*) determining the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made by this Act shall be disposed of; and

determining by whom cases to be disposed of;

(*c*) empowering any Revenue-officer to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty under this Act.

allowing delegation of powers.

B. 17. **16.** Subject to any rules which the Chief Commissioner may from time to time prescribe in this behalf, a Deputy Commissioner may—

Power of Deputy Commissioner to distribute work.

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

B. 19. **17.** The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him, and having power to dispose of the same.

Power of superior Revenue Authorities to withdraw and transfer cases.

18. Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power of Revenue-officers to enter on lands, &c.

No. 2, ¶ 16. **19.** The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue-officers in matters not provided for by this Act, and may, by any such rule, direct that any provisions of the Civil Procedure Code shall apply with or without modification to all or any classes of cases before Revenue-officers.

Power to make rules to regulate procedure.

B. 21. **20.** All appearances before, applications to, and acts to be done before, Revenue-officers under this Act may be made or done—

Persons by whom appearances and application may be made before and to Revenue-officers.

(*a*) by the parties themselves;

(*b*) with the permission of the officer, by their recognized agents; and

(*c*) with the like permission, by any legal practitioner:

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

Obligation of parties to attend in person.

B. 22: Act XVIII of 1873, s. 143. **21.** The fees of no legal practitioner or recognized agent shall be allowed as costs before any Revenue-officer unless, for reasons to be recorded by him in writing, such officer considers that such fees are proper to be allowed.

Legal practitioner's or agent's fees not allowed unless for special reasons.

B. 20. **22.** Except as otherwise hereinafter provided, an appeal shall lie against every decision or order under this Act —

Appeals.

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner except an Assistant Commissioner exercising the power of a Deputy Commissioner,—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed:

Provided also that, if the appeal is from an interlocutory order and the appellate authority is of opinion that such appeal is unnecessary or inconvenient, it may reject the same without notice to the respondent. New.

B. 44, 45: Act XIX of 1873, s. 245. **23.** No appeal shall be brought—

Limitation of appeals.

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

B. 41. **24.** Any Commissioner or Deputy Commissioner may at any time call for and examine the record of any case pending before or disposed of by any Revenue-officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, such officer, and may pass such order in reference thereto as he thinks fit: Provided that he shall not under this section without previous notice to the parties interested, or without the previous sanction of the Chief Commissioner, modify or reverse any order affecting any question of right between private persons.

Powers of revision of Commissioner and Deputy Commissioner.

B. 42. **25.** The Chief Commissioner may at any time call for and examine the record of any case pending before or disposed of by any Revenue-officer, and may pass such order in reference thereto as he thinks fit.

Powers of revision of Chief Commissioner.

B. 43: No. 2, ¶¶ 19, 20. **26.** Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, orders passed by himself or by any of his predecessors in office:

Review of orders.

Provided that—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is subordinate:

(2) no order shall be modified or reversed without previous notice to the parties interested to appear and be heard in support of such order:

(3) no order against which an appeal has been preferred shall be reviewed, unless such appeal has been withdrawn:

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such an order shall be entertained unless it is preferred within ninety days from the passing of the order, or good cause is shown for the delay. New.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SETTLEMENT.

CHAPTER III.

PRELIMINARY.

B. 47. **27.** When it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he may publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen, may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for any purpose connected with the survey.

Notification of revenue-survey.

Act XIX of 1873, s. 41.

Effect thereof.

B. 49: Act XIX of 1873, s. 36. **28.** When any local area is to be put under settlement, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement, and in such notification shall—

Notification of settlement.

(*a*) define the local area to be put under settlement;

(*b*) specify the operations which are to be carried out in the settlement of such area. No. 3, ¶ 6.

B. 50: Act XXXIII of 1871, s. 12. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, amend or alter such notification.

Power to amend notification.

B. 49 and 50. **29.** The Chief Commissioner may from time to time appoint one or more officers (hereinafter called "Settlement-officers") to make the settlement; and when he appoints more than one such officer he shall appoint one of such officers (hereinafter called "the Chief Settlement-officer") to control such settlement, and all other officers appointed for the purposes of such settlement shall be subordinate to him.

Power to appoint Settlement-officers;

The Chief Commissioner may suspend or remove any officer appointed under this section.

and to suspend and remove them.

B. 70: Act XIX of 1873, s. 41. **30.** When any land is under settlement, all Settlement-officers and their assistants, servants, agents and workmen may enter on such land for the purpose of surveying it, and may do all other acts necessary for any purpose connected with the settlement.

Power to enter on and survey land, &c.

B. 54, 136. **31.** When any local area is under settlement, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may from time to time direct.

Settlement-officer may be invested with powers of Deputy Commissioner.

B. 61. **32.** The provisions of section eleven and sections fifteen to twenty-six both inclusive shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, under the provisions hereinbefore contained, the expression "Settlement-officer" being read for "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer" for "Deputy Commissioner," wherever they occur:

Certain provisions of chapter II applied to Settlement-officers.

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order.

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

B. 58. **33.** The Chief Commissioner may, with the previous sanction of the Governor General in Council,

Appointment of Settlement-Commissioner;

(*a*) appoint a Settlement-Commissioner, and invest him, within any local area under settlement, with all or any of the powers which the Commissioner of the division, if the land to be settled was wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

(*b*) delegate to the Settlement-Commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

delegation to him of Chief Commissioner's powers.

B. 53. Act XXXIII of 1871, s. 11 (2): No. 2, ¶¶ 24 to 27.

Power to invest Settlement-officers with Civil Court powers.

34. When any local area is under settlement, the Chief Commissioner may, for the trial in the first instance of any classes of suits arising within such area, being

(*a*) suits of the kinds specified in the first schedule hereto annexed, or the second schedule of the Central Provinces Tenancy Act, 1880, or

(*b*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the Record-of-rights, and of which Civil Courts can take cognizance, or

(*c*) suits relating to land, or the rent, profits or occupation of land,

invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section four of the Central Provinces Courts' Act, 1865, and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner.

B. 53:

Appeals in suits heard under section 34.

35. When the Chief Commissioner invests any Subordinate Settlement-officer with the powers of a Civil Court, with a view to his disposing of the suits mentioned in section thirty-four, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner for disposing of appeals from the decrees and orders of such officer in such suits.

B. 55 (*a*).

Other appeals in local area under settlement.

36. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section thirty-four in such local area, the Chief Commissioner may, with respect to all or any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid by Assistant Commissioners or Tahsíldárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer and not to the Deputy Commissioner of the district.

B. 57: No. 3, ¶ 7.

Division of civil work between Settlement-officers and ordinary Courts.

37. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section thirty-four, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts:

Provided that no proceedings which have been inadvertently or erroneously taken before one of the above classes of Courts shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before another class.

Appeal, reference and revision.

38. Except as hereinbefore provided, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Court of such grade.

Duration of settlement-operations.

39. A settlement notified under section twenty-eight shall be deemed to be in progress until the Chief Commissioner notifies that it is completed. Act XIX of 1873, s. 37: No. 3, ¶ 7.

Cases pending at close of settlement-operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease, and all pending suits and applications shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the Division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs. B. 52: Act XIX of 1873, s. 259.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

Settlement-officer to invite claims to lands appearing to have no owner.

40. When any local area is under settlement, the Chief Settlement-officer may make lists of all lands which appear to him to have no lawful owner, and may issue notifications declaring his intention to demarcate such lands as the property of the State, and inviting all persons having claims to or over them to lodge such claims in his Court within three months from the date of the notification. B. 65: Act XIX of 1873, s. 58.

Application of Act XXIII of 1863.

41. (*a*). Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one; B. 65: Act XIX of 1873, s. 59.

(*b*) the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

(*c*) the Chief Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

(*d*) claims to or over the land mentioned in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

Procedure when limited right over land established.

42. When a claim to the exercise or enjoyment of any right not amounting to the right of exclusive possession in any land so notified is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863, section seven, the Settlement-officer may assign to the claimant as his property a certain definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant: and such assignment or compensation shall be held to extinguish all claims on account of the exercise or enjoyment of any rights as aforesaid. B. 68.

Mahâls.

Power to form mahâls.

43. The Settlement-officer may declare any land to be a mahâl. B. 69, 75, 102.

Excluded lands.

Settlement-officer may exclude portions of mahâl from settlement-operations.

44. For the purpose of excluding from all or any of the operations of the settlement any town or other land in a mahâl from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land: B. 73: No. 2, ¶¶ 29-31.

Provided that no land on which land-revenue is payable at the date of the notification issued under section twenty-eight shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks and Maps.

B. 71.

Erection of new, and repair of existing, boundary-marks.

45. When any local area is under settlement, the Settlement-officer may require all persons who have proprietary rights in the land comprised in such area to erect boundary-marks of such description and at such places as he thinks necessary, in order to define the limits of the mahâls or fields in their possession, or to repair boundary-marks already existing, and may fix a reasonable time for compliance with his order;

and if his order is not complied with within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

B. 74.

Preparation of maps.

46. When the limits of mahâls and fields have been defined under section forty-five, the Settlement-officer shall, if the Chief Commissioner so directs, prepare for each mahâl or for any group of neighbouring mahâls one or more maps, showing the boundaries thereof and all the boundary-marks erected or repaired as hereinbefore provided, and also all the fields comprised in such mahâl or group. In all such maps the fields shall be consecutively numbered.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

B. 82.

Separate sum to be assessed on every mahâl.

47. On every mahâl, a definite and separate sum shall be assessed as Government land-revenue; but, with the sanction of the Chief Commissioner, the sum so assessed upon any mahâl may be reduced, in such manner as he thinks fit, for any period not exceeding five years from the date on which the assessment takes effect.

Progressive assessments.

B. 82 (*b*): Compare Act XIX of 1873, section 39.

Matters as to which Chief Commissioner is to instruct Settlement-officer.

48. The Chief Commissioner may, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer laying down the principle on which land-revenue is to be assessed, and among other matters prescribing the sources of miscellaneous income, whether denominated Sáír or Sawáí or otherwise, to be taken into account in the assessment of land-revenue and the term for which the settlement is to be made. No. 3, ¶ 7.

B. 46, 83 (*a*): Act XVII of 1876, section 41: Reg. XXXVII of 1793, preamble: No. 1, ¶¶ 17-18.

What land taken into account in assessing mahâl.

49. In assessing a mahâl all land therein shall be taken into account except the following, that is to say:—

(*a*) land purchased free of revenue under any rules for the time being in force to regulate the sale of waste-lands;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force for the redemption of the tax on any land required or used for dwelling-houses, factories, gardens, plantations or other similar purposes;

(*c*) land excluded from assessment under section forty-four;

(*d*) land in respect of which a claim to hold revenue-free as against the Government is established under the provisions hereinafter contained;

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may exempt from assessment.

Settlement with whom to be made.

50. The settlement of every mahâl shall be offered to the entire proprietary body of such mahâl: Provided that, when superior and inferior proprietary rights co-exist in the same mahâl, the Settlement-officer may, subject to such rules as the Chief Commissioner may from time to time prescribe in this behalf, determine— B. 86, 137 (*c*): Act XIX of 1873, sections 43, 44 and 53.

(*a*) whether the settlement shall be offered to the superior or the inferior proprietors: and

(*b*) the manner and proportion in which the proprietary profits of the mahâl shall be allotted between the superior and the inferior proprietors.

A mortgagee in possession shall, for the purposes of this section, stand in the place of a mortgaging proprietor. Act XIX of 1873, s. 43: No. 3, ¶ 9.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in a mahâl in which superior and inferior proprietary rights co-exist the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, binding such inferior proprietors to pay to them an annual revenue equal to the Government land-revenue and provincial cesses and the profits to which they are entitled under section fifty, clause (*b*). B. 88: Act XIX of 1873, s. 54.

What inferior proprietors are to pay when settlement is made with them.

52. When in any such mahâl the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profit to which the superior proprietors are entitled under section fifty (*b*) shall be paid by the inferior proprietors direct to such superior proprietors, or shall be collected as if it were Government land-revenue and paid to them from the Government Treasury. B. 88: Act XIX of 1873, s. 55.

Power to issue rules for reporting assessment for sanction.

53. The Chief Commissioner may from time to time make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment, and no assessment shall be offered to the persons permitted to engage until its amount has been sanctioned by the Chief Commissioner. See s. 45, N.-W. P.

Offers of assessment to be announced subject to revision and confirmation.

54. All offers of assessment shall be made subject to confirmation by the Governor General in Council, and to revision by the Chief Commissioner at any time before such confirmation is received. B. 89.

Option to accept or refuse assessment.

55. It shall be in the option of the persons to whom an assessment of a mahâl is offered to accept or refuse the same. B. 90, 91.

Mode of acceptance.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may from time to time

prescribe in this behalf, and deliver the same to the Settlement-officer.

B. 91.

Proprietor not attending may be deemed to have accepted.

56. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

B. 92, 134.

Effect of acceptance of assessment.

57. The assessment of a mahál accepted under this Act shall take effect from the date of such acceptance or from such subsequent date as the Chief Commissioner may appoint in this behalf, and shall continue in force for the term fixed under section forty-eight or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect: Provided that—

Act XIX of 1873, s. 191.

Act XXXIII of 1871, s. 33.

Assessment may be rescinded by Chief Commissioner;

1st—any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

or by Governor General in Council.

2ndly—the Governor General in Council may rescind any assessment submitted to him for confirmation;

Act VIII of 1846, s. 4.

Málguzárs may object to continuance of assessment beyond term of settlement.

3rdly—if any málguzár, six months before the expiry of the term fixed under section forty-eight, applies to the Deputy Commissioner stating that he is unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force;

Saving of right to partition mahál.

4thly—nothing herein contained shall affect the right of any person holding any portion of a mahál in severalty to have such portion constituted a separate mahál under the provisions hereinafter contained.

B. 94: Act XIX of 1873, s. 48.

Procedure when assessment is declined.

58. Where there is but one class of proprietors in a mahál and none of them are willing to accept in manner required by section fifty-five the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement, and may settle the mahál with any other persons, or may take it under direct management:

Provided that the period of exclusion under this section shall in no case exceed the term of settlement.

B. 95: Act XIX of 1873, s. 49.

Procedure when only some proprietors accept assessment.

59. If some of the proprietors are willing so to accept and others are not willing so to accept the assessment offered, the Settlement-officer may, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, form such lands into a separate mahál, and deal with such mahál under section fifty-eight:

Provided that the settlement of such separate mahál shall be offered in the first instance to the proprietors who were willing to accept the assessment originally offered.

In other cases the settlement of the entire mahál shall be offered to the proprietors who were willing to accept the settlement when originally offered, and if they refuse it the mahál shall be dealt with under section fifty-eight.

B. 96: Act XXXIII of 1871, s. 30: Settlement Code, p. 51.

Procedure on refusal of assessment in village in which superior and inferior rights exist.

60. When an assessment is offered in a mahál in which both superior and inferior proprietors exist—

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement are unwilling to accept as aforesaid the assessment offered, the settlement, shall be offered to the other class; and if all the proprietors of such class refuse the settlement, the settlement-officer shall proceed as in section fifty-eight;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all refused or may deal with the mahál under section fifty-nine:

Provided that if, in the latter case, the proprietors who were willing to accept the assessment when originally offered refuse to accept it, such settlement shall be offered to the other class of proprietors in preference to any other persons.

B. 97: See s. 54, N.-W. P.

Procedure on refusal of sub-settlement by inferior proprietors.

61. If all the inferior proprietors refuse any sub-settlement offered under section fifty-one, the Settlement-officer may assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.

If some only of the inferior proprietors refuse the sub-settlement, the Settlement-officer may in his discretion either—

(*a*) proceed as if all had refused it; or

(*b*) deal with the mahál under section fifty-nine as if the sub-settlement had been a settlement.

B. 98: Act XIX of 1873, ss. 48, 51: Act XXXIII of 1871, s. 37: No. 3, ¶ 10.

Allowance to excluded proprietors.

62. Any proprietor excluded from settlement under section fifty-eight or section sixty, clause (*a*), shall be entitled to receive, from the Government, an annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent. or more than ten per cent. on the amount of the assessment offered to him by the Settlement-officer.

Act XIX of 1873, s. 50: No. 3, ¶ 10.

Excluded proprietors to have occupancy-rights in their sír-land.

63. Any proprietor excluded from settlement under sections fifty-eight to sixty-one, inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant; and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Act XIX of 1873, s. 56.

Sub-settlement with málik-makbúzás and other like proprietors.

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the proprietors of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the proprietors such percentage thereon, not exceeding twenty per cent., as

may in his opinion be sufficient to compensate the said proprietors for their responsibility in respect of the Government land-revenue, and to meet fees to lambardárs and mukaddams.

B. 99.

Revenue payable under sub-settlement to be first charge on land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

B. 76: Act XIX of 1873, s. 62.

Settlement-officer to ascertain proprietors.

66. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land of each mahál.

B. 108.

To determine extent of sír-land.

67. The Settlement-officer shall determine the extent and situation of land held as sír in each mahál.

B. 109: Act XIX of 1873, ss. 65 and 67: Settlement Code, p. 74, para. 7.

To decide disputes among shareholders regarding management of village.

68. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as regards the introduction and ejectment of tenants, the granting of pattás, the realization and distribution of rents and other profits, the payment of land-revenue, village expenses and other charges, and generally in matters relating to the control and management of the mahál; and shall decide disputes or record any arrangement agreed on regarding such matters.

B. 100 and 107: Act XIX of 1873, s. 46.

To distribute assessment over lands held in severalty.

69. When the whole or part of the land of a mahál is held in severalty the Settlement-officer shall distribute the amount assessed under a settlement or a sub-settlement over the lands of such mahál, and such distribution shall be binding upon the málguzárs as among themselves.

B. 101.

To determine through what lambardárs revenue shall be paid.

70. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or málik-makbúzá shall be paid.

B. 110: Act XIX of 1873, s. 68.

To determine status and rents of tenants.

71. The Settlement-officer shall ascertain and record for each mahál the status of all tenants occupying land therein, the lands held by them, the conditions of their holdings, and the rents (if any) payable by them respectively.

B. 107: Act XIX of 1873, s. 47.

To re-distribute land according to custom.

72. When by established custom the land held by each proprietor in any mahál is subject to periodical re-distribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such re-distribution according to such custom.

B. 112, 113: Act XIX of 1873, ss. 85-87.

Enquiry into claims to hold revenue-free as against Government.

73. The Settlement-officer shall investigate claims against the Government to hold land free of revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free of revenue.

Power of Chief Commissioner to issue rules.

The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

B. 112: Act XIX of 1873, section 79.

Inquiry as to claims to hold revenue-free as against málguzárs.

74. When any land not being land which any person is entitled to hold revenue-free as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land; and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Provided that no order under this section shall exempt any land from the payment of revenue when the mahál in which it is situate is sold for arrears of revenue.

B. 113.

Chief Commissioner may prescribe rules for disposal of such cases.

The Chief Commissioner may from time to time make rules for the guidance of Settlement-officers in dealing with cases under this section.

B. 116.

Time from which orders under sections 73 and 74 take effect.

75. When the Settlement-officer decides, under section seventy-three or section seventy-four, that land which has been held free of revenue, or at less than full revenue, shall pay revenue, or pay the same at enhanced rates, such order shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of any preceding year or years shall be realized.

No. 3, ¶ 12.

B. 117, 118 (*a*): Act XIX of 1873, section 66.

Settlement-officer to decide what village-cesses are leviable.

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

B. 118 (*b*), 120.

To determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

(*a*) the right of any lambardár, mukaddam, patwári, village-watchman or other village-servant to any customary dues or other remuneration, and his liability to render any customary service in return for such dues or remuneration;

(*b*) the rights of persons resident in the village, or holding lands in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

New.

Procedure in cases under sections 66, 67, 68, 71 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter referred to in sections sixty-six, sixty-seven, sixty-eight, seventy-one and seventy-seven, clauses (*b*), (*c*) and (*d*),

the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute, he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

B. 119, 120.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahále, a Record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter; and

Act XIX of 1873, ss. 62 and 63, and s. 65, clause (*e*).

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

B. 137 (*f*).

Chief Commissioner may make rules regarding Record-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the Record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested.

B. 52: Act XXXIII of 1871, s. 17.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a Record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

B. 197: Act XIX of 1873, s. 91.

Effect of entries in Record-of-rights.

82. All entries in the Record-of-rights duly made and attested shall be presumed to be correct until the contrary is shown, or until they are amended in manner provided by this Act.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section seventy-eight, or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the Record-of-rights in reference to any matter mentioned in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Provided that—

B. 199 (*b*).

(*a*) when the suit is for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit;

(*b*) no such suit instituted by any persons by whom the Record-of-rights was signed, or by any persons claiming through them, and brought with a view to modify or set aside any entry relating to any matter mentioned in section sixty-eight or section seventy-seven, clause (*b*), (*c*) or (*d*), shall be brought without the previous sanction of the Chief Commissioner;

B. 199 (*c*).

(*c*) the Court before which any such suit is brought shall take judicial notice of every rule to which the Settlement-officer ought to have had regard when he made the entry.

Revision of Record-of-rights by Chief Commissioner.

84. Notwithstanding anything hereinbefore contained, the Chief Commissioner shall not, after an assessment has been confirmed by the Governor General in Council, exercise, in respect of any entry of the descriptions referred to in section eighty-three made in a Record-of-rights prepared in connection with such assessment, the power of revision conferred by sections twenty-five and thirty-two, unless it is proved that such entry was made inadvertently. B. 121, proviso (1), 199 (*f*).

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct. B. 135.

CHAPTER VII.

OF PROVINCIAL CESSES.

Assessment of provincial cesses.

86. The road-cess, the school-cess and the dâk-cess shall be assessed by the Settlement-officer on all lands whether land-revenue be assessable on the same or not. B. 84, 85: No. 1, ¶ 18.

In the case of lands fully assessed to land-revenue, the road-cess and school-cess shall be assessed at the rate of two per cent., and the dâk-cess at the rate of one half per cent., on such revenue;

In the case of lands not so assessed the said cesses shall be assessed at the same rates on the revenue which, in the opinion of the Settlement-officer, would be assessed on such lands if they were assessable to land-revenue at full rates.

CHAPTER VIII.

OF SETTLEMENTS MADE BEFORE THE PASSING OF THIS ACT.

Former settlements deemed to have been made under Act.

87. Settlements made before the passing of this Act shall be deemed, so far as may be, to have been made under this Part; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements thereunder shall apply in like manner to proceedings taken and records prepared before the passing of this Act. B. 128.

Effect of awards of proprietary right at such settlements.

88. When a Settlement-officer or Settlement Court has, at any settlement made before the passing of this Act, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been declared by him or it invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court. B. 148: No. 1, ¶¶ 19-21.

When suits for proprietary right will lie in Civil Courts.

89. Any person whose claim to proprietary right in land was not considered by such officer or Court may sue in a Civil Court, at any time within the period of limitation prescribed by the law for the time being in force, to establish such claim; and, if he can prove that, when proprietary rights were awarded in the lands claimed B. 149, 150: No. 1 ¶¶ 19-21.

by him, he was entitled to have like interests in such lands with those in consideration of which proprietary rights were awarded, the Court in its decree may declare him to be proprietor of such lands.

B. 133.

Chief Commissioner may allot waste-land to malik-makbúzas entitled thereto.

90. When, at any settlement made before the passing of this Act, málik-makbúzás have been declared entitled to receive a portion of the waste-lands of any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the title and conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER IX.

OF THE COLLECTION OF LAND-REVENUE.

B. 171: Act XIX of 1873, section 147.

Power of Chief Commissioner to regulate payment of land-revenue.

91. Notwithstanding anything contained in the Record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

See section 147, N.-W. P.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are now payable.

B. 172: Act XIX of 1873, section 148.

"Arrear." "Defaulters."

92. When any sum payable under a settlement or sub-settlement is not paid within the time within which it is payable under section ninety-one, such sum shall be deemed to be an arrear, and all the persons with whom such settlement or sub-settlement was made shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act.

B. 90.

Of the Realization of Government Revenue from Málguzárs.

Act XIX of 1873, s. 149: No. 3, ¶ 18.

Tahsíldár's statement of account to be conclusive evidence of arrear.

93. Except as hereinafter provided, a statement of account, certified by the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.

B. 173 (*a*): Act XIX of 1873, s. 150 (*a*).

Notice of demand.

94. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

B. 173: Act XIX of 1873, s. 150.

Processes for recovery of arrears.

95. An arrear payable directly to Government may be recovered by one or more of the following processes:—

(*a*) by arrest and imprisonment of any defaulter;

(*b*) by attachment and sale of his moveable property;

(*c*) by attaching the mahál or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same under direct management;

(*d*) by transferring the share or land of any málguzár as aforesaid to any málguzár who has paid as aforesaid; or if all such málguzárs decline to accept such share or land, to a person having a mortgage or charge upon the same; B. 178.

(*e*) by annulling the settlement of the mahál in respect of which the default has occurred and taking such mahál under direct management or farming the same;

(*f*) by selling the mahál or the land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has occurred:

Provided—

(1) that the process mentioned in the said clause (*a*) shall not be issued against any female;

(2) that the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) of this section shall not be enforced without the sanction of the Chief Commissioner;

(3) that no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing on such land whilst it is under attachment, or under charge of the Superintendent of Government wards, or held by the Deputy Commissioner under direct management, or let by him in farm. Act XIX of 1873, ss. 166.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

Arrest and imprisonment for recovery of arrear.

96. The process mentioned in section ninety-five, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl. B. 174.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the tahsíldár may order him to be taken before the Deputy Commissioner or may keep him under personal restraint at the tahsíl for a period not exceeding ten days, and may then, if the arrear is still unpaid, cause him to be taken to the Deputy Commissioner. Act XIX of 1873, s. 152.

Imprisonment of defaulter in civil jail.

97. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid. B. 175: Act XXXIII of 1871, s. 43.

Act XXXIII of 1871, s. 43.

Procedure in sales of moveable property.

98. Attachment and sales of moveable property made under this chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court.

B. 176. No. 3, ¶¶ 19-20.

Management of share or patti attached under section 95, clause (c).

99. After causing any attachment to be made under section ninety-five, clause (c), the Deputy Commissioner shall issue a proclamation declaring the attachment, and shall place the attached mahál, share or land under the management of any agent whom he may appoint for the purpose.

B. 176: Act XIX of 1873, s. 155.

Effect of attachment.

100. During the continuance of an attachment under section ninety-nine, the defaulters shall be excluded from possession of the land attached, and the agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors, incumbrancers or tenants of, or on, such land.

B 177: Act XIX of 1873, s. 156.

Profits of land how applied.

101. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue or provincial cesses falling due upon such land during the attachment, and next, to discharging the arrear.

B. 176-177 Act XIX of 1873, s. 156.

Attachment when to cease.

102. The attachment shall continue until the arrear is paid or realized from the profits of the land or the Collector thinks fit to reinstate the defaulters in possession:

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

B. 178.

Transfer under section 95 (d).

103. When it is proposed to execute the process mentioned in section ninety-five, clause (d), the persons to whom the share or land is to be transferred shall be required to pay the arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

Act XIX of 1873, s. 157.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

Joint and several liability not affected by transfer.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the estate for arrears accruing on such estate subsequently to the transfer of the holding, except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose holding is transferred.

B. 179: Act XIX of 1873, s. 159.

Procedure after receipt of sanction to annulment of settlement.

104. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession, and either manage the mahál or any portion thereof himself or through an agent or let it in farm for such term and on such conditions as the Chief Commissioner directs: and all liens, leases and other incumbrances created upon the land so managed or farmed by the defaulters, or by any person through whom they claim, may, at the option of the Deputy Commissioner, be cancelled:

Provided that no farm or management under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

B. 180: Act XIX of 1873, s. 165.

Settlement on expiry of farm or management.

105. After the expiration of the period of management or farm, the Deputy Commissioner shall offer to the persons entitled to be settled with under section fifty a new settlement of the land on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the local area in which such land is situate; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such land in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

New.

Case of a portion of a mahál being farmed or managed.

106. When a portion only of the mahál is taken under management or farmed under section one hundred and four, the rest of such mahál shall be separately re-settled for the remainder of the term of settlement.

Act XIX of 1873, s. 190.

Saving of rights in sír-land.

107. Notwithstanding anything hereinbefore contained, no defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section ninety-five, clauses (c), (d) and (e); but any such defaulter shall, while such process is being enforced, be entitled to retain possession of, and pay rent for, such land as if he were an absolute occupancy-tenant.

B. 182: Cf. Act XIX of 1873, s. 157.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all liens, leases and incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nothing in this section shall—

No. 3, ¶ 20.

(a) affect the rights of any proprietor, superior or inferior, to the defaulters or of any málik-makbúzá or occupancy-tenant who does not derive his rights as such from express contract with such defaulters or any person through whom they claim; or

(b) apply to lands held under leases for the erection of dwelling-houses or manufactories, or for mining purposes, gardens, tanks, canals, places of worship or burying-grounds, whilst the lands continue to be used for the purposes specified in such leases; or

(c) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by the Central Provinces Tenancy Act, 1880.

Act XXXIII of 1871, s.

Rules for sale of immoveable property.

109. When immoveable property is sold under this Act, the procedure provided in sections 287 (except the last two clauses), 293 and 306 to 316 inclusive of the Civil Procedure Code shall be followed, except in the following particulars, that is to say:—

(a) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(b) The proclamation of the intended sale provided in the said section 287 shall, when the sale is under clause (f), section ninety-five of this Act, declare that, subject to the provisions of section one hundred and eight, the full proprietorship or superior or inferior proprietorship, as the case may be, is to be sold free of all liens, leases and incumbrances, and the certificate provided for in section 316 of the said Code shall contain a similar statement.

(c) An appeal from any order under section 212 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the division, and an appeal from the Commissioner's order shall lie to the Chief Commissioner.

Act XIX of 1873, s. 172.

(d) The Deputy Commissioner may, from time to time, postpone a sale which he has notified, reporting such postponement to the Commissioner of the Division.

(e) Section 309 of the Civil Procedure Code shall be read as if, after the words "for such payment," the words "and every sale of such property made after a postponement" were added.

(f) Section 313 of the said Code shall not apply to sales under section ninety-five, clause (f), of this Act.

(g) Section 316 of the Civil Procedure Code shall be read as if the words "The Deputy Commissioner shall give to the purchaser possession of the lands which he has purchased" were added thereto.

Act XIX of 1873, section 188.

Pre-emption at sales.

110. (a) When the land of one or more of the málguzárs is sold under section ninety-five, clause (f), any málguzár who has paid the revenue which as between him and the other málguzárs is payable by him; and

(b) when the superior or inferior proprietorship of any land is so sold, any inferior or superior proprietor (as the case may be)

may, if the property has been knocked down to a stranger, claim to take it at the sumlast bid:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant fulfils all the conditions of the sale and that a málguzár under clause (a) shall have a prior claim to a superior or inferior proprietor under clause (b).

B. 183: Act XIX of 1873, section 185.

Application of proceeds of sale of immoveable property.

111. The proceeds of every sale in execution of any process mentioned in section ninety-five shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear of land-revenue due by the defaulter; and the surplus, if any, shall then be payable to him, or, in the case of more than one defaulter, to such defaulters according to their respective shares in the property sold.

B. 187.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section ninety-four and of enforcing any process mentioned in section ninety-five shall be recoverable as part of the arrear in respect of which the process was issued.

B. 188.

Matters as to which Chief Commissioner may make rules.

113. The Chief Commissioner may from time to time make rules—

(a) for the guidance of the Deputy Commissioner in issuing notices of demand under section ninety-four and executing the processes mentioned in section ninety-five;

(b) prescribing the manner in which lands exempted from partition shall be dealt with when a default occurs;

(c) defining the classes of officers by whom the processes mentioned in section ninety-five, clauses (a) and (b), may be enforced;

(d) prescribing the agency by which any of the processes issued under section ninety-five shall be executed.

B. 195.

Act XIX of 1873, s. 189.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section ninety-three, when proceedings are taken under this Act for the recovery of an arrear payable directly to Government, the person against whom such proceedings are taken may, if he denies the arrear or any part thereof to be due, pay the same under protest made at the time of payment and duly signed by him or by his agent, and file a suit in the Civil Court for the recovery of the amount which he denies to be due.

Of the Realization of Revenue by Málguzárs.

B. 190.

Limitation of right to set-off, &c., in suit for arrears.

115. In a suit for the recovery of an arrear of revenue not being Government revenue or a suit brought by a lambardár to recover the amount of any Government revenue or provincial cess payable through him, the defendant shall not, except with the permission of the Court,—

(a) set off against the plaintiff's demand any sum of money recoverable by him from the plaintiff, or

(b) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

B. [illegible] Act XIX of 1873, s. [illegible]

Recovery of arrear through Deputy Commissioner instead of by suit.

116. Any lambardár or sub-lambardár entitled to recover an arrear of revenue, or any malguzár to whom such an arrear is due under a sub-settlement, may, instead of instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of Government revenue.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons who would be defendants, if a suit were brought, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section one hundred and fourteen to contest an arrear in respect of which an order has been made under this section.

Persons on whose account the Deputy Commissioner proceeds under this section to recover arrears shall not thereby be relieved of their responsibility for such arrears; and shall forfeit their claim to the collection-charge, or, if no separate collection-charge has been fixed, to such percentage on the sum collected as the Chief Commissioner may authorise by rules framed in this behalf; and such charge or percentage shall be collected and credited to the Government.

B 151-154: No. 2, ¶¶ 40-43.

Saving of right of proprietor to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877, and no agreement made after the passing of this Act, shall bar the right of the málguzárs of any mahál assessed to land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment has been held by any person without payment of revenue; but the Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. The period of limitation in suits for the recovery of revenue payable under a settlement or sub-settlement shall be three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

Interest on arrears.

B. 193: Act XIX of 1873, s. 148: No. 3, ¶ 21.

Interest on arrears.

119. Interest shall not be charged on an arrear of Government revenue unless the Chief Commissioner so directs; but the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER X.

OF THE MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS.

B. 198: Act XIX of 1873, s. 94.

Correction of Record-of-rights.

120. An entry in the Record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion on one or more of the following grounds:—

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section eighty-three it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court, or on the order of a Revenue or Settlement-officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

Revision of record in accordance with provision therein contained.

121. The Deputy Commissioner may revise a Record-of-rights when such revision is provided for in such record.

Powers of Deputy Commissioner as to correction or revision of record.

122. When the Deputy Commissioner takes proceedings for the correction or revision of any entry in the Record-of-rights, he shall exercise, with respect to the matter to which such entry relates, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Power to direct that rule or custom entered in Record-of-rights shall be enforced by Government.

123. The Chief Commissioner may direct that any rule, custom or condition entered in the Record-of-rights of any village shall be enforced by the Government. B. 155, 156: No. 2, ¶¶ 46, 48.

Punishment of violation of such rule or custom.

If any of the persons with whom a settlement or sub-settlement has been made violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided in this or in the Central Provinces Tenancy Act, 1880, for such violation or neglect, impose upon such person a fine which may extend to two hundred rupees.

Powers of Chief Commissioner as to registration of changes after preparation of Record-of-rights.

124. The Chief Commissioner may—

(*a*) **direct that the mukaddam of each village shall,** for the purpose of showing the changes occurring subsequently to the preparation of the Record-of-rights, prepare, or, where there is a patwárí, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe; B. 147, 201: No. 3, ¶ 24.

(*b*) prescribe the procedure to be followed in order to ascertain that a change has occurred, and the nature of such change;

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the Record-of-rights, and the Chief Commissioner may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained.

Possession of proprietary rights to be notified.

125. All persons obtaining possession of proprietary rights and interests in land shall at once give notice of the same to the tahsíldár of the tahsíl in which such land is situated. Act XIX of 1873, s. 97.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

Fine for neglect to give notice of possession.

126. Any person neglecting to give the notice required by section one hundred and twenty-five shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues. Act XIX of 1873, s. 100.

Obligation to aid in preparation of village-papers.

127. All persons having proprietary rights in land are, on the requisition of the Deputy Commissioner, bound to prepare, or cause to be prepared, such papers and furnish such information as may be required for the preparation of the village-papers prescribed under section one hundred and twenty-four.

B. [illegible]: Act XIX of 1873, s. 96.

Fees for mutations.

128. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section one hundred and twenty-four, and may fix the amount of such fees.

From whom leviable.

129. All fees leviable under section one hundred and twenty-eight shall be levied from the person in whose favour the change takes place.

B. 169: Act XIX of 1873, s. 101.

Annual enquiry regarding revenue-free holdings.

130. The Deputy Commissioner shall make enquiry annually regarding all cases in which land has been released conditionally or for a time from the payment of revenue; and,

Procedure on expiry of term of grant.

if the term of any grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold revenue-free, or at less than full revenue-rates, has died, shall assess the same, and shall report his proceedings through the Commissioner of the Division for the sanction of the Chief Commissioner.

B. 169: Act XIX of 1873, s. 101.

Procedure on breach of condition of release.

131. If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the Division for the orders of the Chief Commissioner, **who may direct that the land be assessed or may pass such other order as he thinks fit.**

B. 203: Act XIX of 1873, s. 106.

Inspection of revenue-records.

132. All records kept under this chapter shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

CHAPTER XI.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.

133. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement-officers for the following purposes:—

(*a*) **causing boundary marks to be erected;**

(*b*) **assessing land-revenue on lands which are** liable to assessment, but have not been assessed; B. 165.

(*c*) forming new mahále from land not previously settled;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be re-admitted;

(*e*) settling mahále in respect of which an application has been made under the third proviso to section fifty-seven;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the malguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village cesses which are levied at the time of the passing of this Act, but have not been recorded at the settlement.

Purposes for which officers may be invested with Settlement-officer's powers.

134. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections forty, forty-one and forty-two; or B. 166: Act XIX of 1873, s. 93.

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section fifty-seven.

Cognizance of, and penalty for, offence of injuring boundary-marks.

135. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Naib Tahsíldár empowered by the Chief Commissioner in this behalf to pay such sum, not exceeding fifty rupees, as may in the opinion of the officer making the order be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, damage or removal. B. 159: B. 10: Act XIX of 1873, s. 142.

Procedure when person injuring cannot be found.

136. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers of such one or more of the adjoining lands as the Deputy Commissioner thinks fit. B. 160: Act XIX of 1873, s. 143.

Partition of a mahál into two mahále.

137. Any málguzárs of a mahál who are not co-sharers with the other malguzárs of such mahál in any lands of such mahál except such lands as are under the law relating to partition for the time being in force indivisible, may apply to the Deputy Commissioner to make the lands held by them separately from such other málguzárs a separate mahál; and the Deputy Commissioner shall thereupon make such lands and the lands held separately by the remaining málguzárs separate mahále, and shall apportion between the two new mahále thus constituted the entire revenue assessed upon the original mahál. New.

CHAPTER XII.

VILLAGE-OFFICERS AND PATWÁRÍS.

Power to make rules as to officers.

138. The Chief Commissioner may, from time to time, make rules regulating the appointment, remuneration and dismissal of lambardárs, sub-lambardárs and mukaddams: B. 204.

Provided that proprietors other than málik-makbúzás shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is No. 1, ¶ 38: Settlement Code, p. 26, para. 43.

assessed on their land or which when their land is revenue-free would, in the judgment of the Deputy Commissioner, be assessed on their land if it was subject to assessment.

In framing rules for the appointment of lambardárs and sub-lambardárs under this section, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the Record-of-rights of any mahál.

B. 205. Duties of lambardárs.

139. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government treasury so much of the land-revenue as may under section seventy be payable through him, either solely or jointly with other lambardárs or sub-lambardars;

(*b*) to collect and pay to the mukaddam, or into the Government treasury, as the Deputy Commissioner may direct, all sums payable through him, either solely or jointly with other lambardárs, or sub-lambardárs, from the mahál to which he is appointed, on account of cash-allowances to patwárís or village-watchmen, or on account of any expenses which the mukaddam is authorized to incur and to recover from such mahál;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

B. 245: Settlement Code, p. 26, para. 43. Lambardárs may recover fees and other charges from proprietors.

140. Lambardárs and sub-lambardárs may recover from the proprietors whom they represent along with the land-revenue—

(*a*) any remuneration to which they are entitled;

(*b*) the sum which, under section one hundred and thirty-nine, they are bound to pay to mukaddams;

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

B. 168. Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

141. On the application of any málik-makbúzá or other like holder of land or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, direct that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid direct into the Government treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made direct into the treasury, such portion of percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be paid to the Government; and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of fees to mukaddams and other village-expenses.

Duties of mukaddams.

142. It shall be the duty of every mukaddam— B. 206: No. 1, ¶¶ 35 *et seq.*: No. 2, ¶¶ 60-62.

(*a*) to control and superintend the village-patwárí and watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of the village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to prevent or report encroachments on public paths and roadways;

(*d*) to preserve such stations and marks erected by any Government-surveyor as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report the deaths of all persons holding lands wholly or partially free from revenue and of Government-pensioners;

(*g*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands; and for securing to persons entitled to cut wood, and enjoy other privileges in the waste-lands of the village, the rights to which they are entitled;

(*h*) to collect, or aid in the collection of, all Government taxes and dues.

The Chief Commissioner may, from time to time, make rules—

(1) varying or adding to the list of duties which a mukaddam is required to perform under this section; and B. 207.

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*), in respect of such village and for apportioning such charges among such persons.

Liabilities imposed by law on landholders to attach to mukaddams.

143. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act: B. 206.

Provided that nothing herein contained shall discharge landholders, their managers or agents or the like from any liabilities imposed upon them by law. No. 3, ¶ 24.

Power to mukaddams to recover certain expenses incurred.

144. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties. B. 206.

Chief Commissioner may make rules as to patwárís.

145. The Chief Commissioner may, from time to time, make rules— B. 208: Act XXXIII of 1871, s. 6.

(*a*) regulating the manner in which patwárís are to be selected; prescribing the conditions under which they may be appointed, and fixing the limits of their circles, and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwárí, when they are unable to act themselves;

(*c*) prescribing the fines which may be imposed on patwárís and their substitutes for neglect of their duty, and stating the circumstances under which they may be dismissed:

Provided that, except in the case hereinafter mentioned, no proprietor shall be compelled to pay as remuneration to patwárís a sum exceeding six per cent. on the revenue assessed on his land, or which, when his land is revenue-free, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

B. 209: Act XXXIII of 1871, s. 6. In framing rules regard to be had to hereditary claims, &c.

146. In making rules under section one hundred and forty-five, the Chief Commissioner shall have regard to conditions and customs recorded in administration-papers and to hereditary claims to the office of patwárís; but in no case shall such conditions or customs or claims be deemed to require the appointment of any patwárí who would otherwise be ineligible for appointment or to prevent the dismissal of any patwárí who would otherwise be liable to dismissal.

B. 210. Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

147. The Chief Commissioner may from time to time make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of the last preceding settlement, the maintenance of a patwárí was made optional, and the persons settled with are unable to agree as to whether a patwárí should be maintained, and for dealing with cases where no patwárí is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwárí.

Such rules may empower the Deputy Commissioner in the latter class of cases—

(*a*) to impose fines on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwárís in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwárís.

B. 211. Chief Commissioner may define duties of patwárís.

148. The Chief Commissioner may, from time to time, make rules prescribing the duties of patwárís—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

No. 1, ¶ 38. (*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwárís may demand in respect of the performance of such duties.

Patwárís' papers to be public documents.

All records and documents which patwárís are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents and to be the property of Government.

Patwárís to produce papers for inspection, and to deliver them to persons entitled.

149. Patwárís shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep. B. 212: Act XVIII of 1873, s. 95 (*b*).

Existing officers confirmed.

150. All existing lambardárs, sub-lambardárs, mukaddams and patwárís shall, unless the Chief Commissioner otherwise directs, be deemed to have been appointed under this Act. Any sums which officers of these classes are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government. B. 213.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

151. In each village of the district of Sambalpúr all persons, other than mukaddams, holding sír-land are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may, from time to time, make rules for the enforcement of this obligation. B. 164.

PART V.

CHAPTER XIII.

MISCELLANEOUS.

Exclusive jurisdiction of Revenue-authorities in matters under this Act.

152. Except as otherwise hereinbefore provided,—

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement-officer is, by this Act, empowered to determine or dispose of; and B. 170: Ajmer Land and Revenue Regulation, section 119.

Proceedings under this Act not to be impeached.

(*b*) everything done, ordered or decided under this Act by the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer shall be deemed to have been duly done, ordered or decided.

For what village-cesses suit lies.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village cess which has not been recorded at a settlement, or declared to be leviable under section one hundred and thirty-three (*h*) and sanctioned by the Chief Commissioner. Act XIX of 1873, s. 68.

Limitation of claims for compensation in case of waste-land demarcated as property of Government.

154. When, at any settlement made prior to the passing of this Act, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation. B. 129.

assessed on their land or which when their land is revenue-free would, in the judgment of the Deputy Commissioner, be assessed on their land if it was subject to assessment.

In framing rules for the appointment of lambardárs and sub-lambardárs under this section, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the Record-of-rights of any mahál.

B. 205. Duties of lambardárs.

139. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government treasury so much of the land-revenue as may under section seventy be payable through him, either solely or jointly with other lambardárs or sub-lambardars;

(*b*) to collect and pay to the mukaddam, or into the Government treasury, as the Deputy Commissioner may direct, all sums payable through him, either solely or jointly with other lambardárs, or sub-lambardárs, from the mahál to which he is appointed, on account of cash-allowances to patwáris or village-watchmen, or on account of any expenses which the mukaddam is authorized to incur and to recover from such mahál;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

B. 206: Settlement Code, p. 26, para. 43. Lambardárs may recover fees and other charges from proprietors.

140. Lambardárs and sub-lambardárs may recover from the proprietors whom they represent along with the land-revenue—

(*a*) any remuneration to which they are entitled;

(*b*) the sum which, under section one hundred and thirty-nine, they are bound to pay to mukaddams;

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

B. 168. Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

141. On the application of any málik-makbúzá or other like holder of land or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, direct that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid direct into the Government treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made direct into the treasury, such portion of percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be paid to the Government; and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of fees to mukaddams and other village-expenses.

Duties of mukaddams.

142. It shall be the duty of every mukaddam— B. 206: No. 1, ¶¶ 35 *et seq.*: No. 2, ¶¶ 60-62.

(*a*) to control and superintend the village-patwári and watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of the village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to prevent or report encroachments on public paths and roadways;

(*d*) to preserve such stations and marks erected by any Government-surveyor as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report the deaths of all persons holding lands wholly or partially free from revenue and of Government-pensioners;

(*g*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands; and for securing to persons entitled to cut wood, and enjoy other privileges in the waste-lands of the village, the rights to which they are entitled;

(*h*) to collect, or aid in the collection of, all Government taxes and dues.

The Chief Commissioner may, from time to time, make rules—

(1) varying or adding to the list of duties which a mukaddam is required to perform under this section; and B. 207.

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*), in respect of such village and for apportioning such charges among such persons.

Liabilities imposed by law on landholders to attach to mukaddams.

143. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act: B. 206.

Provided that nothing herein contained shall discharge landholders, their managers or agents or the like from any liabilities imposed upon them by law. No. 3, ¶ 24.

Power to mukaddams to recover certain expenses incurred.

144. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties. B. 206.

Chief Commissioner may make rules as to patwáris.

145. The Chief Commissioner may, from time to time, make rules— B. 208: Act XXXIII of 1871, s. 6.

(*a*) regulating the manner in which patwáris are to be selected; prescribing the conditions under which they may be appointed, and fixing the limits of their circles, and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwári, when they are unable to act themselves;

(*c*) prescribing the fines which may be imposed on patwáris and their substitutes for neglect of their duty, and stating the circumstances under which they may be dismissed:

Provided that, except in the case hereinafter mentioned, no proprietor shall be compelled to pay as remuneration to patwáris a sum exceeding six per cent. on the revenue assessed on his land, or which, when his land is revenue-free, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

B. 209: Act XXXIII of 1871, s. 6. In framing rules regard to be had to hereditary claims, &c.

146. In making rules under section one hundred and forty-five, the Chief Commissioner shall have regard to conditions and customs recorded in administration-papers and to hereditary claims to the office of patwáris; but in no case shall such conditions or customs or claims be deemed to require the appointment of any patwári who would otherwise be ineligible for appointment or to prevent the dismissal of any patwári who would otherwise be liable to dismissal.

B. 210. Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

147. The Chief Commissioner may from time to time make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of the last preceding settlement, the maintenance of a patwári was made optional, and the persons settled with are unable to agree as to whether a patwári should be maintained, and for dealing with cases where no patwári is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwári.

Such rules may empower the Deputy Commissioner in the latter class of cases—

(*a*) to impose fines on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwáris in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwáris.

B. 211. Chief Commissioner may define duties of patwáris.

148. The Chief Commissioner may, from time to time, make rules prescribing the duties of patwáris—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

No. 1, ¶ 38. (*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwáris may demand in respect of the performance of such duties.

Patwáris' papers to be public documents.

All records and documents which patwáris are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents and to be the property of Government.

Patwáris to produce papers for inspection, and to deliver them to persons entitled.

149. Patwáris shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep. B. 212: Act XVIII of 1873, s. 95 (*b*).

Existing officers confirmed.

150. All existing lambardárs, sub-lambardárs, mukaddams and patwáris shall, unless the Chief Commissioner otherwise directs, be deemed to have been appointed under this Act. Any sums which officers of these classes are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government. B. 213.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

151. In each village of the district of Sambalpúr all persons, other than mukaddams, holding sír-land are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may, from time to time, make rules for the enforcement of this obligation. B. 164.

PART V.

CHAPTER XIII.

MISCELLANEOUS.

152. Except as otherwise hereinbefore provided,—

Exclusive jurisdiction of Revenue-authorities in matters under this Act.

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement-officer is, by this Act, empowered to determine or dispose of; and B. 170: Ajmer Land and Revenue Regulation, section 119.

Proceedings under this Act not to be impeached.

(*b*) everything done, ordered or decided under this Act by the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer shall be deemed to have been duly done, ordered or decided.

For what village-cesses suit lies.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village cess which has not been recorded at a settlement, or declared to be leviable under section one hundred and thirty-three (*h*) and sanctioned by the Chief Commissioner. Act XIX of 1873, s. 66.

Limitation of claims for compensation in case of waste-land demarcated as property of Government.

154. When, at any settlement made prior to the passing of this Act, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation. B. 129.

B. 158: Act XIX of 1873, s. 141.

Obligations of owners as to boundary-marks.

155. All persons in possession as proprietors, mortgagees or farmers of any land are bound to maintain and keep in repair at their own cost the boundary-marks lawfully erected thereon.

B. 257: Bombay Land-revenue Code, section 94.

Restriction on Revenue and Settlement-officers trading and holding land.

156. No Revenue or Settlement-officer, and no person employed in any Revenue or Settlement-office, shall, except with the express permission of the Chief Commissioner,—

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, or in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section, in the case of any specified class of officers.

B. 184: Act XIX of 1873, ss. 161, 162.

Upon proclamation under section 99 or 104, all sums due as rent or otherwise become payable to Deputy Commissioner.

157. When either of the proclamations mentioned in sections ninety-nine and one hundred and four has been made, and when any land or share is managed or let in farm under section fifty-eight, all sums due to the proprietor in respect of such land or share shall be payable to the Deputy Commissioner, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner, be credited to the person making the same in account with the Deputy Commissioner, or his agent or lessee.

Payment to proprietor in anticipation of due date.

B. 185: Act XIX of 1873, s. 163.

Recovery of sums payable to Deputy Commissioner or his agent.

158. All sums which, under section one hundred and fifty-seven, become payable to the Deputy Commissioner or his agent may be recovered as if they were arrears of revenue payable directly to Government.

B. 186: Act XVII of 1876, s. 127.

Recovery of balances due by farmers.

159. When any land has been let in farm under section fifty-eight or one hundred and four, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of revenue due when Act comes into force.

And of money payable under Act.

160. All land-revenue due at the time this Act comes into force, and all money payable to the Government under this Act, shall be recovered from the persons from whom it is due and from their sureties (if any) as if it were an arrear of revenue due under this Act by such persons and their sureties.

Past proceedings for collection of revenue legalised.

161. All proceedings taken before this Act comes into force for the collection of the land-revenue, or the realization of arrears thereof, shall, in so far as they would have been substantially legal if this Act had been in force, be deemed to have been duly taken.

Chief Commissioner may empower persons by name, or confer powers on classes.

162. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may vary or cancel order.

163. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may make rules and attach penalty to breach thereof.

164. The Chief Commissioner may, with the sanction of the Governor General in Council, make rules for carrying out the provisions of this Act in matters not otherwise provided for, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or when such breach is a continuing breach, to fifty rupees for each day during which such breach continues. B. 262.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the official Gazette.

All such rules, when so published, shall, in so far as they are consistent with this Act, have the force of law.

SCHEDULE I.

(*See section* 34.)

	Description of suits.
1	Suits for arrears of rent due on account of any rights of pasturage, forest-rights, fisheries or the like, not being suits for arrears under the Central Provinces Tenancy Act, 1860.
2	Suits by lambardárs, for arrears of Government-revenue payable through them by the proprietors whom they represent.
3	Suits by proprietors, for their share of the profits of an estate or any part thereof after payment of the Government-revenue and village-expenses, or for a settlement of accounts.
4	Suits by máfidárs or assignees of Government revenue for arrears of revenue owing to them as such máfidárs or assignees.
5	Suits by superior proprietors for arrears of revenue due to them as such superior proprietors.
6	Suits by zamíndárs and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents, or against the trustees of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession.

SCHEDULE II.

(*See section* 2.)

ENACTMENTS REPEALED.

Number and year of Regulation, order, &c.	Title.	Extent of repeal.
Act XII of 1841.	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces and Bengal.	The whole.
Act XXXI of 1858.	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

STATEMENT OF OBJECTS AND REASONS.

1. The Land-revenue Administration of the Central Provinces as at this moment carried on rests on an insufficient legal basis. Throughout a considerable portion of the country there is little or no law regarding the settlement and collection of the revenue beyond that which may be considered to be established by ancient usage. In some parts it is doubtful how far any written law applies, and elsewhere the only law is either the "spirit" of certain old Regulations of the Bengal Code, or half-forgotten rules which owe their binding force to the Indian Councils' Act.

2. No inconvenience in practice was felt from this state of things in the earlier days of our rule, when the people scarcely realized the possibility of their having any rights as against their rulers; but of late years the diffusion of legal ideas has placed the landholders and the Government more at arm's-length; the old state of things has shown clear signs of giving way; and the want of a definite system of revenue law, such as exists in all the other settled Provinces of the empire, has come to be felt.

3. To supply this want the present Bill has been prepared. It follows the main lines of the similar laws in force in the North-Western Provinces and elsewhere, except that it is confined as closely as possible to the subject of the land-revenue administration, strictly so called, to the exclusion of certain subjects, such as partition and Courts of wards, which it has been the practice in other Provinces to include in Land-revenue Acts.

It seems unnecessary here to enter into any description of its provisions in so far as they are borrowed from Acts like the North-Western Provinces and Oudh Land-revenue Acts, which have been passed so recently and after so much discussion; and the following remarks will accordingly be confined to such of the leading points of the Bill as are in some sense novel, or otherwise appear to require special notice.

4. It will be observed that the repealing clause (section 2) has been drawn so as to fit in with the similar clause in the Central Provinces Laws Act of 1875, and to sweep away the indefinite mass of old rules and regulations relating to the settlement and collection of the land-revenue which were saved by it; and, as any remnant of these old rules and regulations would, if kept alive, be apt to escape notice and perhaps ultimately lead to complication and difficulty, the clause which is commonly inserted in such Bills, maintaining existing rules in so far as they are consistent with the new law, has been omitted. It is believed that this omission will give rise to no difficulty, as it will rest with the Government to fix the date on which the Act will come into operation, and that date need not be fixed until all rules which it is necessary to make under the Act are ready for issue.

5. Chapter II, relating to Revenue-officers, their powers and procedure, it will be seen, contains no such detailed rules of procedure as are to be found in the North-Western Provinces Act. Most of the Revenue-officers in the Central Provinces preside over Civil Courts, and all have had more or less experience in working under the Code of Civil Procedure. The provisions of that Code, though copious, are simple and untechnical, and it accordingly seems the most convenient course to adopt it as a basis for the procedure of Revenue-officers, as has been done in sections 15(*a*) and 19 of the Bill, power being given to the Chief Commissioner to modify and supplement its provisions as he may think necessary.

6. In section 34 the Panjáb system of empowering the Local Government to invest Settlement-officers with the powers of Civil Courts for the disposal of suits relating to land has been followed, but the ultimate appeal in such suits will lie to the Judicial Commissioner.

7. Section 49, following the principle which it is believed has, from a remote period, been recognized throughout India, and which will be found embodied in the preamble to Regulation XXXVII of 1793 and elsewhere in the Bengal Code, declares that all land, with certain definite exceptions, is liable to be assessed to land-revenue. An express provision of this sort seems desirable in the Central Provinces, where a question has been recently raised as to whether land would not become exempt by being occupied for habitations. There is of course no general intention of assessing the lands in towns or old village-sites. They will be ordinarily excluded from assessment under the power conferred by section 44; but it is obviously desirable that, where lands at present cultivated and assessed are built upon, and yield, as they probably would, a larger profit to their owners than before, they should still remain liable to assessment.

8. In sections 78 and 83 an attempt is made to specify the acts and decisions of a Settlement-officer which may be called in question in a Civil Court, all other such acts and decisions being by section 152 protected from being so challenged; and as, when a matter is liable to be taken in the last resort before a Civil Court, it would be waste of time for the Settlement-officer to enter upon any very elaborate inquiry regarding it, section 78 provides that the investigation in the cases to which it refers shall be a summary one, the Settlement-officer being required to make only such inquiry as he thinks fit, and not being *bound* to hear any party concerned or receive any evidence tendered.

9. Sections 88 and 89 deal with cases in which, at settlements made before the passing of the Act, the proprietary right in land has been awarded by a Settlement-officer to some person on the ground that he was the person who, of all others, had the interest in the land most nearly approaching to ownership. They provide that no person whose claims to such land were considered and rejected by the Settlement-officer shall be permitted to impeach his award; but that any one whose claim was not so considered may institute a suit to establish it; and that, if he can prove that he was entitled to an interest in the land similar to that in consideration of which the proprietary right was awarded, the Court may declare him to be a proprietor.

10. Section 108 states, somewhat differently from the Land-revenue Acts at present in force, the nature of the estate taken by a purchaser of land sold for arrears of revenue due upon it. The interest taken by such a purchaser is described to be "the full proprietorship, or superior or inferior proprietorship, as the case may be, free from all liens, leases and incumbrances," &c.; but among other matters saved by the clause which follows are "the rights of any proprietor "superior or inferior to the defaulters, or of any málik-makbúzá or occupancy-tenant, who does not "derive his rights as such from express contract with such defaulters or any person through "whom they claim."

11. Section 116, following and enlarging upon section 158 of the Oudh Land-revenue Act, 1876, provides that any lambardár entitled to recover an arrear of Government revenue, or any málguzár entitled to recover an arrear due under a sub-settlement, may, instead of instituting a suit to recover such arrear, apply to the Deputy Commissioner to recover it on his behalf by any of the processes provided by the Act for the recovery of revenue on behalf of the Government. It will be in the discretion of the Deputy Commissioner to comply with such application or not as he thinks fit, and he will probably comply with it, as a rule, in cases where the applicant has done his best to collect the arrear, and undue trouble and expense would be caused to him by instituting a suit to recover it.

12. Section 117 deals somewhat differently from the North-Western Provinces Act with the important question of the right of the málguzárs to resume revenue-free grants made by them or their predecessors in interest. It is quite conceivable that an improvident proprietor might by such grants alienate so much of the revenue which he was entitled to collect as to put it beyond his power in a bad year to meet the demands of the Government against him. The Government revenue might, no doubt, ultimately be secured by the sale of the mahál, but it is obviously desirable to devise some means of avoiding so trenchant a process.

There would be a difficulty about refusing to recognize grants heretofore made perhaps for a valuable consideration; but it is believed that such grants are not very numerous in the Central Provinces, and may safely be left to their operation. As regards grants made after the Bill becomes law, there need be no hesitation in declaring them voidable, and this is in effect what the Bill does.

13. Section 119 of the Bill follows the 148th section of the North-Western Provinces Act in providing that no interest shall be charged on an arrear of Government revenue, but it allows a Court to award interest on an arrear of revenue due under a sub-settlement.

14. Section 123, which empowers the Chief Commissioner to direct that any rule, custom or condition entered in a Record-of-rights shall be enforced by fine, is new. It is believed that it will be found useful in many cases where the persons, for whose benefit a provision of a Record-of-rights is intended, might, owing to their not being parties to such record, or for some other reason, not be in a position to enforce it, or where, in order to enforce such a provision by a suit, it would be necessary to join, perhaps, all the inhabitants of a village as parties.

15. Section 137 is the only section of the Bill dealing with partition, and it is confined to the only species of partition which it is conceived can properly find a place in a Land-revenue Act, namely, the separation into two separate mahále of two portions of a mahál which are held in severalty.

When two parties in a mahál, holding their lands in common, desire to sever their joint and several liability for the revenue, they must, under the Bill, as under the law at present in force in the North-Western Provinces and elsewhere, first obtain a partition of their lands; but this partition is a matter with which the Revenue-administration has no direct concern. It might be, and sometimes is, sought like a partition of house-property or any other property, without any view to the dissolution of the joint and several liability to Government, and, accordingly, though it is intended that partitions of revenue-paying land should continue to be effected as heretofore through the Revenue-officers, as the authorities best qualified to undertake such an operation, it has been determined to relegate these partitions to a separate Bill, which it is hoped will shortly be placed before the Council, and to deal in the present Bill only with dissolution of the joint and several obligations of the málguzárs.

16. The office of mukaddam, which the 12th chapter of the Bill proposes to establish, is in most districts of the Central Provinces somewhat of a novelty. Up to the period of the recent settlements, villages in the Central Provinces were ordinarily held by a single málguzár or farmer, with whom the Government could deal on behalf of the village; but now, as Mr. Jones has observed, "the zamíndárí tenure with its single head will yearly give way to the pattídárí with its several heads," and the responsibility for the performance of the many duties incumbent on a village headman will thus become inconveniently split up. Moreover, in some districts large tracts of country are bought up by town-capitalists, and thus many villages are left without a responsible head at all. To remedy this, the Bill provides for the appointment for each village of a single representative headman (called a "mukaddam"), to whom the Government can look for the performance of the important duties which the custom of the country attaches to the land, and to whom the community can refer as a head when united action is required of it. When there are resident lambardárs, the person appointed to the office of mukaddam would ordinarily, but not necessarily, be one of them.

The 6th July, 1880.

C. GRANT.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd July, 1880, and was referred to a Select Committee:—

No. 12 of 1880.

THE PETROLEUM BILL, 1880.

CONTENTS.

PREAMBLE.

Preliminary.

SECTIONS.

1. Short title.
Commencement.
Local extent.
2. Repeal of enactments.
3. Interpretation-clause.

First class and second class Petroleum.

4. Power to make rules as to the importation of first and second class petroleum.
5. Possession and transport of first and second class petroleum.
6. Power to make rules as to such possession and transport.

Dangerous Petroleum.

7. Dangerous petroleum in quantities exceeding 40 gallons.
Application for license to import, transport or possess such petroleum.
Power to grant license.
8. Dangerous petroleum in quantities not exceeding 40 gallons.
9. Application of sections 4 and 6.

Petroleum generally.

10. Vessels containing petroleum to be marked.
11. Power to inspect and require dealer to sell samples.
12. Notice to be given when officer proposes to test samples.
13. Certificate as to result of such testing.

Penalties.

14. Penalty for illegal importation, &c., of petroleum.
15. Penalty for keeping, &c., petroleum in contravention of section 10.
16. Penalty for refusing to comply with section 11.
17. Confiscation of petroleum.

Miscellaneous.

18. Rules when to have force of law.
19. Power to extend this Act to other substances.

THE SCHEDULE.

A Bill to regulate the importation, possession and transport of Petroleum and other substances of a like nature.

Preamble.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other substances of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Petroleum Act, 1880";

Commencement.

and it shall come into force on the first day of January, 1881. Committee's recommendations, para. 1.

Local extent.

The provisions of this Act relating to—

(*a*) dangerous petroleum, and

(*b*) the importation of first class and second class petroleum,

extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments.

2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in ports, and to provide for the safe keeping of inflammable oils in ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

Interpretation-clause.

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

"Petroleum."

"Petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum. 34 & 35 Vic., c. 105, s. 3, with additions from Committee's report.

But does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer. Committee's recommendations, para. 3.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed. Committee's recommendations, para. 4.

"First class petroleum."

"First class petroleum" means petroleum having its flashing point at or above one hundred and three degrees of Fahrenheit's thermometer: Committee's recommendations, para. 6.

"Second class petroleum."

"Second class petroleum" means petroleum having its flashing point at or above eighty-three, but below one hundred and three, degrees of Fahrenheit's thermometer:

"Dangerous petroleum."

"Dangerous petroleum" means petroleum having its flashing point below eighty-three degrees of Fahrenheit's thermometer:

"Import."

"Import" means to bring into British India by sea or land:

and "importation" means the bringing into British India as aforesaid.

"Transport."

"Transport" means to remove from one place to another within British India:

"Ship."

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

"Master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship:

"Master."

"Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a Magistrate of the first class or (when specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class: and

"Magistrate."

"Owner" includes also any agent to whom a ship is consigned.

"Owner."

First class and second class Petroleum.

Committee's recommendations, paras. 12 to 20.

Power to make rules as to the importation of first and second class petroleum.

4. The Local Government may, from time to time, make rules to regulate the importation of first class petroleum and second class petroleum; and in particular—

(*a*) for ascertaining the quantity and description of any such petroleum on board a ship.

(*b*) to provide for the delivery by the master of a ship of samples of such petroleum and for the testing thereof before such petroleum is landed from such ship;

(*c*) to determine the places at which only such petroleum may be landed; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any such petroleum.

Possession and transport of first and second class petroleum.

5. No quantity of first class petroleum exceeding five hundred gallons, and

no quantity of second class petroleum exceeding forty gallons,

shall be kept by any one person or on the same premises or shall be transported except under and in accordance with the conditions of a license granted under this Act.

Power to make rules as to such possession and transport.

6. The Local Government may from time to time make rules as to the granting of licenses to possess or transport first and second class petroleum in cases where such licenses are by law required.

Such rules may provide for the following among other matters, that is to say—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of licensed premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which such petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*j*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

7. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Application for license to import, transport or possess such petroleum.

Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

Power to grant license.

If the Local Government sees reason to believe that such petroleum will be used for such purpose and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding 40 gallons.

8. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

34 & 35 Vic., c. 105, s. 8.

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises or transported does not exceed three gallons and such petroleum is placed in separate glass, earthenware or metal vessels each of which contains not more than a pint and is securely stopped.

Applications of sections 4 and 6.

9. Except as hereinbefore provided, the provisions contained in sections four and six in respect of first and second class petroleum shall apply also to dangerous petroleum.

Petroleum generally.

Vessels containing petroleum to be marked.

10. All petroleum— 34 & 35 Vic., c. 105, s. 6.

(*a*) which is kept at any place after seven days from the date on which it is imported,

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or label in conspicuous characters, stating what description of petroleum herein specified the same is. Cf. Act I of 1878, s. 9.

Power to inspect and require dealer to sell samples.

11. Any officer specially authorized in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same and to deliver to him samples 34 & 35 Vic., c. 105, s. 11.

of such petroleum on payment of the value of such samples.

Ibid.

Notice to be given when officer proposes to test samples.

12. When any such officer has, in exercise of the powers conferred by section eleven, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the Schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his Agent may be present at such testing.

Ibid.

Certificate as to result of such testing.

13. On any such testing, if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is first class, second class or dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found; and shall be *primâ facie* proof of the fact stated therein.

Penalties.

Penalty for illegal importation, &c., of petroleum.

14. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

34 & 35 Vic., s. 63.

Penalty for keeping, transporting or exposing for sale petroleum in contravention of section 10.

15. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked as prescribed by section ten shall be punished with fine which may extend to fifty rupees.

34 & 35 Vic., c. 105, s. 12.

Penalty for refusing to comply with section 11.

16. Any dealer in petroleum who refuses or neglects to shew to any officer authorized under section eleven any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hunderd rupees.

Cf. Act I of 1878, s. 11.

Confiscation of petroleum.

17. In any case in which an offence under section fourteen or section fifteen has been committed, the convicting Magistrate may direct that,—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting, or is in possession of,

shall be confiscated.

Miscellaneous.

Rules when to have force of law.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall thereupon, so far as they are consistent with this Act, have the force of law:

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

Power to extend this Act to other substances.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, extend the whole or any portion of this Act to any inflammable substance other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections five, seven and eight, the quantities of such substance to which these sections shall apply. 34 & 35 Vic., c. 105, s. 14.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

The following is a description of the details of the apparatus:— Committee's recommendations, para. 5, and 42 & 43 Vic., c. 47.

The oil cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{7}{8}$″ from the bottom of the cup. It is made of gun metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted, that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are

soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the bath, in such a manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}''$, that is, its diameter is about $\frac{6}{8}''$ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath of the oil lamp is $1\frac{1}{2}''$. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is $6\frac{1}{2}''$. One of the three legs of the stand serves as support for the spirit lamp, attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is $1''$.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}''$ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb $2\frac{1}{4}''$.

NOTE.—A model apparatus is deposited at the office of the Master of the Mint, Calcutta.

Directions for applying the Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

STATEMENT OF OBJECTS AND REASONS.

FOR some time past the dangerous nature of the inflammable oils which are being imported into this country has been engaging the attention of Government. In November, 1878, the notice of the Government of India was first drawn to the subject by the Government of Bombay, with a view, if necessary, to legislation being resorted to to check the importation of dangerous oils. On a reference being made to the Government of Bengal as to the expediency of such legislation, it was found that the subject had already been for some time before that Government, and that a Committee had been appointed for the purpose of considering the question of these oils in all its bearings. This Committee, which was composed of officials, experts and gentlemen interested in the trade, has presented its report, in which it strongly urges the necessity for legislation, and puts forward certain recommendations as to the lines on which in its opinion such legislation should proceed.

2. These recommendations follow, with certain modifications, introduced to meet the special circumstances, climatic and otherwise, of India, the outlines of 34 & 35 Vic., cap. 105 (since amended by 42 & 43 Vic., cap. 47), which is the principal Act governing this subject in the United Kingdom. They appear well adapted to carry out the object which the Committee had in view, namely, practical security of life and property, with the minimum of restrictions on an important and rapidly developing trade.

3. The following is the general substance of the conclusions of the Committee:—

1st.—All petroleum should be divided into three classes, namely,—

(*a*) first class petroleum with a flashing point at or above 103° F.;
(*b*) second class petroleum with a flashing point between 83° and 103° F.;
(*c*) dangerous petroleum with a flashing point below 83° F.
} According to Abel's close test.

2ndly.—All petroleum should be tested by Abel's close test, which has recently been adopted in the United Kingdom (see 42 & 43 Vic., cap. 47, the Petroleum Act, 1879), for the purposes of the Petroleum Act, 1871, in preference to the old or open test which was fixed by that Act.

3rdly.—As second class petroleum flashes only at a temperature of 83°, or 10° higher than the temperature (73°) at which petroleum is considered safe enough to be exempted from the provisions of the English Petroleum Act (see 42 & 43 Vic., Cap. 47), and may therefore be regarded as at all events fairly safe, the importation, storage and transport of such petroleum, as well as of first class petroleum, should be left reasonably free, while the importation, storage and transport of dangerous petroleum, if not actually prohibited, should be subjected to such severe restrictions as practically to be so for purposes of ordinary use.

4. The Government of India has considered this report, and is disposed to concur generally in its conclusions and in the scheme of legislation contained in the Committee's recommendations. As the Government of Madras and the Chief Commissioner of Burma, as well as the Governments of Bombay and Bengal, are in favour of legislation, the Government of India is willing to accept the recommendation of the Committee that the legislation to be undertaken should be in the Council of the Governor General, and accordingly the present Bill, which embodies generally the recommendations of the Committee, has been prepared.

5. As it seems desirable to check at once, and generally, the trade in dangerous petroleum (and it would be unfair if all ports were not put on the same footing as to the importation of first class and second class petroleum), the provisions of the Bill relating to dangerous petroleum and the importation of first class and second class petroleum are made to extend to the whole of India; but its other provisions are only applicable at the discretion of the Local Government.

The details of the measure have been left in a great measure to rules to be framed by the Local Government, with the sanction of the Governor General in Council, as this seems the most convenient course in a case of this sort, where the local circumstances and peculiar features of the trade of various places have to be considered.

6. A section has been added to the Bill corresponding with section 14 of 34 & 35 Vic., cap. 105, enabling the Governor General in Council hereafter to extend the Act to substances other than petroleum, and to adapt certain of the provisions of the Act to the case of such substances.

7. The length of the pendulum which was by an oversight omitted from the description of Professor Abel's test in the first schedule to the 42 & 43 Vic., cap. 47, has been inserted in a foot-note to the schedule of the Bill on information furnished by Mr. Pedler.

8. The opportunity has been taken to repeal the thirty-seventh section of the Indian Ports Act relating to inflammable oils, and Bengal Act No. III of 1865, which regulates in Calcutta and Howrah the importation and storage of inflammable oils, as the present Bill will make those enactments unnecessary.

WHITLEY STOKES.

The 3rd July, 1880.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 31, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd July, 1880, and was on the 23rd July, 1880, referred to a Select Committee :—

No. 11 of 1880.

THE CENTRAL PROVINCES LAND-REVENUE BILL, 1880.

CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Enactments repealed.
3. Pending proceedings brought under Act.
4. Interpretation-clause.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

5. Chief Controlling Revenue-authority.
6. Revenue-officers.
7. Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.
8. Appointment, suspension and removal of Tahsildárs and Náib-Tahsildárs.
9. Persons holding office when Act comes into force.
10. Power to appoint additional Commissioners, Deputy Commissioners and Tahsildárs.
11. Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.
12. Officers transferred to retain powers with which they were invested.
13. Provision for discharge of duties of Deputy Commissioner dying or being disabled.
14. Chief Commissioner may alter boundaries of tahsíl.
15. Power to make rules—
    conferring certain powers;
    determining by whom cases to be disposed of.
16. Power of Deputy Commissioner to distribute work.
17. Power of superior Revenue-authorities to withdraw and transfer cases.
18. Power of Revenue-officers to enter on lands, &c.
19. Power to make rules to regulate procedure.
20. Persons by whom appearances and application may be made before and to Revenue-officers.
    Obligation of parties to attend in person.
21. Legal practitioner's or agent's fees not allowed, unless for special reasons.
22. Appeals.
23. Limitation of appeals.
24. Powers of revision of Commissioner and Deputy Commissioner.
25. Powers of revision of Chief Commissioner.
26. Review of orders.

PART III.

OF SETTLEMENT.

CHAPTER III.

PRELIMINARY.

27. Notification of revenue-survey.
    Effect thereof.

SECTIONS.

28. Notification of settlement.
Power to amend notification.
29. Power to appoint Settlement-officers; and to suspend and remove them.
30. Power to enter on and survey land.
31. Settlement-officer may be invested with powers of a Deputy Commissioner.
32. Certain provisions of chapter II applied to Settlement-officers.
33. Appointment of Settlement-Commissioner. Delegation to him of Chief Commissioner's powers.
34. Power to invest Settlement-officers with Civil Court powers.
35. Appeals in suits heard under section 34.
36. Other appeals in local area under settlement.
37. Division of civil work between Settlement-officers and ordinary Courts.
38. Appeal, reference and revision.
39. Duration of settlement-operations.
Cases pending at close of settlement-operations.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.
40. Settlement-officer to invite claims to lands appearing to have no owner.
41. Application of Act XXIII of 1863.
42. Procedure when limited right over land established.
Mahál.
43. Power to form mahál.
Excluded Lands.
44. Settlement-officer may exclude portions of mahál from settlement-operations.
Boundary-marks and Maps.
45. Erection of new, and repair of existing boundary-marks.
46. Preparation of maps.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

47. Separate sum to be assessed on every mahál.
Progressive assessments.
48. Matters as to which Chief Commissioner is to instruct Settlement-officer.
49. What land taken into account in assessing mahál.
50. Settlement with whom to be made.
51. Sub-settlement to be made with inferior proprietors when settlement is made with superior.
52. What inferior proprietors are to pay when settlement is made with them.
53. Power to issue rules for reporting assessment for sanction.
54. Offers of assessment to be announced subject to revision and confirmation.
55. Option to accept or refuse assessment.
Mode of acceptance.
56. Proprietor not attending may be deemed to have accepted.
57. Effect of acceptance of assessment.
Assessment may be rescinded by Chief Commissioner;
or by Governor General in Council.
Malguzár may object to continuance of assessment beyond term of settlement.
Saving of right to partition mahál.
58. Procedure when assessment is declined.

SECTIONS.

59. Procedure when only some proprietors accept assessment.
60. Procedure on refusal of assessment in village in which superior and inferior rights exist.
61. Procedure on refusal of sub-settlement by inferior proprietors.
62. Allowance to excluded proprietors.
63. Excluded proprietors to have occupancy-rights in their sír-land.
64. Sub-settlement with Málik-makbúzás and other like proprietors.
65. Revenue payable under sub-settlement to be first charge on land.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

66. Settlement-officer to ascertain proprietors.
67. To determine extent of sír-land.
68. To decide disputes among shareholders regarding management of village.
69. To distribute assessment over lands held in severalty.
70. To determine through what lambardárs revenue shall be paid.
71. To determine status and rents of tenants.
72. To re-distribute land according to custom.
73. Enquiry into claims to hold revenue-free as against Government.
Power of Chief Commissioner to issue rules.
74. Inquiry as to claims to hold revenue-free as against malguzárs.
75. Time from which orders under sections 73 and 74 take effect.
Chief Commissioner may prescribe rules for disposal of such cases.
76. Settlement-officer to decide what village-cesses are leviable.
77. To determine certain disputes.
78. Procedure in cases under sections 66, 67, 68, 71 and 77 (*b*), (*c*) and (*d*).
79. Record-of-rights.
80. Chief Commissioner may make rules regarding Record-of-rights.
81. Record-of-rights to be made over to Deputy Commissioner.
82. Effect of entries in Record-of-rights.
83. Suits to contest certain settlement decisions or entries.
84. Revision of Record-of-rights by Chief Commissioner.
85. Proceedings regarding lands the property of Government.

CHAPTER VII.

OF PROVINCIAL CESSES.

86. Assessment of provincial cesses.

CHAPTER VIII.

OF SETTLEMENTS MADE BEFORE THE PASSING OF THIS ACT.

87. Former settlements deemed to have been made under Act.
88. Effect of awards of proprietary-right at such settlements.
89. When suits for proprietary-right will lie in Civil Courts.
90. Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

SECTIONS.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER IX.

OF THE COLLECTION OF LAND-REVENUE.

91. Power of Chief Commissioner to regulate payment of land-revenue.
92. "Arrear."
"Defaulters."
Of the Realization of Government Revenue from Malguzárs.
93. Tahsildár's statement of account to be conclusive evidence of arrear.
94. Notice of demand.
95. Processes for recovery of arrears.
96. Arrest and imprisonment for recovery of arrear.
97. Imprisonment of defaulter in civil jail.
98. Procedure in sales of moveable property.
99. Management of share or pattí attached under section 95, clause (*c*).
100. Effect of attachment.
101. Profits of land how applied.
102. Attachment when to cease.
103. Transfer under section 95 (*d*).
Joint and several liability not affected by transfer.
104. Procedure after receipt of sanction to annulment of settlement.
105. Settlement on expiry of farm or management.
106. Case of a portion of a mahál being farmed or managed.
107. Saving of rights in sír-land.
108. Nature of estate taken by purchaser of land sold for arrears due thereon.
109. Rules for sale of immoveable property.
110. Pre-emption at sales.
111. Application of proceeds of sale of immoveable property.
112. Costs recoverable as part of arrear.
113. Matters as to which Chief Commissioner may make rules.
114. Remedies open to person denying that sum demanded as an arrear is due.
Of the Realization of Revenue by Malguzárs.
115. Limitation of right to set-off, &c., in suit for arrears.
116. Recovery of arrear through Deputy Commissioner instead of by suit.
117. Saving of right of proprietor to demand revenue of land assessed to revenue and held free.
118. Limitation in suits for revenue.
Interest on Arrears.
119. Interest on arrears.

CHAPTER X.

OF THE MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS.

120. Correction of Record-of-rights.
121. Revision of record in accordance with provision therein contained.
122. Powers of Deputy Commissioner as to correction or revision of record.
123. Power to direct that rule or custom entered in Record-of-rights shall be enforced by Government.
Punishment of violation of such rule or custom.
124. Powers of Chief Commissioner as to registration of changes after preparation of Record-of-rights.

SECTIONS.

125. Possession of proprietary-rights to be notified.
126. Fine for neglect to give notice of possession.
127. Obligation to aid in preparation of village-papers.
128. Fees for mutations.
129. From whom leviable.
130. Annual enquiry regarding revenue-free holdings.
Procedure on expiry of term of grant.
131. Procedure on breach of condition of release.
132. Inspection of revenue-records.

CHAPTER XI.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

133. Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.
134. Purposes for which officers may be invested with Settlement-officer's powers.
135. Cognizance of, and penalty for, offence of injuring boundary-marks.
136. Procedure when person injuring cannot be found.
137. Partition of a mahál into two mahále.

CHAPTER XII.

VILLAGE-OFFICERS AND PATWÁRÍS.

138. Power to make rules as to officers.
139. Duties of lambardárs.
140. Lambardárs may recover fees and other charges from proprietors.
141. Deputy Commissioner may alter channel through which malík-makbúzá pays revenue.
Effect of order for payment of revenue direct to Government.
142. Duties of mukaddams.
143. Liabilities imposed by law on land-holders to attach to mukaddams.
144. Power to mukaddams to recover certain expenses incurred.
145. Chief Commissioner may make rules as to patwárís.
146. In framing rules regard to be had to hereditary claims, &c.
147. Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.
148. Chief Commissioner may define duties of patwárís.
Patwárís' papers to be public documents.
149. Patwárís to produce papers for inspection, and to deliver them to persons entitled.
150. Existing officers confirmed.
151. Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

PART V.

CHAPTER XIII.

MISCELLANEOUS.

152. Exclusive jurisdiction of Revenue-authorities in matters under this Act.
Proceedings under this Act not to be impeached.
153. For what village-cesses suit lies.
154. Limitation of claims for compensation in case of waste-land demarcated as property of Government.

SECTIONS.

155. Obligations of owners as to boundary-marks.
156. Restriction on Revenue and Settlement-officers trading and holding land.
157. Upon proclamation under section 99 or 104, all sums due as rent or otherwise become payable to Deputy Commissioner.
Payment to proprietor in anticipation of due date.
158. Recovery of sums payable to Deputy Commissioner or his agent.
159. Recovery of balances due by farmers.
160. Recovery of revenue due when Act comes into force and of money payable under Act.
161. Past proceedings for collection of revenue legalized.
162. Chief Commissioner may empower persons by name, or confer powers on classes.
163. Chief Commissioner may vary or cancel order.
164. Chief Commissioner may make rules, and attach penalty to breach thereof.
SCHEDULE I.
SCHEDULE II—ENACTMENTS REPEALED.

Abbreviations used in the margin.

Nos. 1, 2 and 3 refer to the papers relating to the Bill.

B. 1, B. 2, &c., refer to the sections of an amended draft of Mr. Jones' Bill prepared by Mr. F. Cockerell.

A Bill to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called "The Central Provinces Land-revenue Act, 1880":

B. 1. Local extent. It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces, except those specified in Part VI of the first schedule of the Scheduled Districts Act, 1874;

Commencement. and it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may appoint in this behalf.

B. 2. Cf. Act XX of 1875, s. 2, proviso. Enactments repealed. **2.** The enactments mentioned in the second schedule hereto annexed, and all rules, regulations and enactments relating to the settlement and collection of the land-revenue, are repealed.

B. 3. Pending proceedings brought under Act. **3.** All proceedings relating to matters dealt with by this Act, and pending at the time this Act comes into force before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

B. 4. Interpretation-clause. **4.** In this Act, unless there is something repugnant in the subject or context, the following words and phrases shall be construed as next hereinafter provided, that is to say,—

"Assistant Commissioner." (1) "Assistant Commissioner" includes Extra Assistant Commissioner:

"Legal Practitioner." (2) "Legal Practitioner" means an advocate, vakíl or attorney of any High Court, a pleader, mukhtár or revenue-agent: Act XVIII of 1879, s. 3.

"Village-cess." (3) "Village-cess" means a cess which persons resident or holding lands in a village pay or render to the proprietors as such of the village; and includes service rendered or things furnished as well as money paid:

"Village-servants." (4) "Village-servants" does not include the patwárí:

"Recognized agent." (5) "Recognized agent" means a person belonging to any class which the Local Government may from time to time, by notification in the official Gazette, declare in this behalf, and who is authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do acts in such proceeding on his behalf: Cf. Act X of 1877, s. 37.

"Agricultural year." (6) "Agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may from time to time prescribe: New.

"Sír-land." (7) "Sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement; or (*b*) land not so recorded, but which has been continuously cultivated by the proprietor or one of the proprietors thereof for not less than twelve years; or (*c*) land which, being left uncultivated otherwise than in the ordinary course of husbandry, has been broken up by the proprietor or one of the proprietors thereof and continuously cultivated by him for not less than six years; Cf. B. 161. No. 2, ¶ 2 to 7.

Provided that such land has not, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been, continuously for a period of three years, unoccupied by such proprietor.

Explanation 1st.—Land is not unoccupied by the proprietor within the meaning of this definition when it is leased out by him with an express reservation of his sír-rights:

Explanation 2nd.—Sír-land includes "bhogra" land in Sambalpúr:

"Mahál." (8) "Mahál" means— New.

any local area the limits of which have been fixed under section forty-three or section one hundred and thirty-three, clause (*c*):

"Village." (9) "Village" includes any tract of land which, at the last settlement, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Málik-makbúzá." (10) "Málik-makbúzá" means any person owning one or more plots of land in a mahál and having no other proprietary rights in such mahál: New.

"Provincial cess." (11) "Provincial cess" means the road-cess, school-cess and dâk-cess assessed under this Act:

"Málguzár." (12) "Málguzár" means a person who, under section fifty-five, has accepted, or under section fifty-six is to be deemed to have accepted, the assessment of a mahál.

"Lambardár." New. (13) "Lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

"Sub-lambardár." New. (14) "Sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with superior proprietors:

"Mukaddam." New. (15) "Mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

"Tenant." Taken from Tenancy Act. (16) "Tenant" means a person who holds land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person, but it does not include a farmer, thekadár or other similar lessee of a whole village or a large portion thereof.

Explanation.—An inferior proprietor is not, as such, a tenant.

"Rent." Do. (17) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land:

"Pay" and "payable." Do. (18) "Pay" and "payable" used with reference to rent include "deliver" and "deliverable":

"Absolute occupancy-tenant." Do. (19) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before the passing of this Act, or after such a settlement but before the passing of this Act, was recorded in respect of such land as an "absolute occupancy-raiyat," or in terms equivalent thereto:

"Record-of-rights." (20) "Record-of-rights" includes the "supplementary administration-paper" prepared at the time of making a settlement before the passing of this Act.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

B. 5. Chief Controlling Revenue-authority. **5.** The Chief Commissioner shall, subject to the superior control of the Governor General in Council, be the Chief Controlling Revenue-authority.

B. 6. Revenue-officers. **6.** Besides the Chief Commissioner, there shall be the following classes of Revenue-officers (namely):—

(*a*) Commissioners, who, subject to the control of the Chief Commissioner, shall be the chief Revenue-authorities within their respective divisions;

(*b*) Deputy Commissioners, who, subject to the control of the Commissioner, shall be the chief Revenue-authorities within their respective districts;

(*c*) Assistant Commissioners, who shall be subordinate to and under the control of the Deputy Commissioners of the districts to which they are respectively attached;

(*d*) Tahsíldárs, who, subject to the control of the Deputy Commissioner, shall be the chief executive Revenue-authorities in the tahsíls to which they are respectively attached;

(*e*) Náib Tahsíldárs, who shall be subordinate to the Tahsíldárs, of the tahsíls to which they are respectively attached.

Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners. **7.** Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, Commissioners, Deputy Commissioners and Assistant Commissioners shall be appointed, and may be suspended or removed from their appointments, by the Chief Commissioner. B. 7.

Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs. **8.** The Chief Commissioner shall appoint and may suspend or remove Tahsíldárs; and may also prescribe rules for regulating the appointment, duties and dismissal of Náib Tahsíldárs. B. 8.

Persons holding office when Act comes into force. **9.** All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the Central Provinces on the date on which this Act comes into force shall be deemed to have been appointed hereunder. New.

Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs. **10.** The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed. B. 11.

The Chief Commissioner may invest any additional Commissioner, Deputy Commissioner, or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár as the case may be.

Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner. **11.** The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners. B. 9: Act XIX of 1873, s. 12.

Officers transferred to retain powers with which they were invested. **12.** Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was under any provision of this Act invested in the district or tahsíl from which he is transferred. B. 13: Act XIX of 1873, s. 21.

Provision for discharge of duties of Deputy Commissioner dying or being disabled. **13.** If a Deputy Commissioner dies, or is disabled from performing his duties, the officer taking, subject to such rules as the Chief Commissioner may from time to time make in this behalf, executive charge of his district shall be held to be the Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor takes charge of his office, or until the person so disabled resumes charge of his office. B. 14: Act XIX of 1873, s. 20.

Chief Commissioner may alter boundaries of tahsíl. **14.** The Chief Commissioner may from time to time alter the limits of any tahsíl, and create new tahsíls, or abolish existing tahsíls. B. 12: Act XIX of 1873, s. 14.

B. 260, 261: Act II of 1876. ss. 57 and 58.

15. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules—

Power to make rules—

(*a*) conferring upon any Revenue-officer, for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure on a Civil Court for the trial of suits or execution of decrees;

conferring certain powers;

(*b*) determining the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made by this Act shall be disposed of; and

determining by whom cases to be disposed of;

(*c*) empowering any Revenue-officer to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty under this Act.

allowing delegation of powers.

B. 17.

16. Subject to any rules which the Chief Commissioner may from time to time prescribe in this behalf, a Deputy Commissioner may—

Power of Deputy Commissioner to distribute work.

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

B. 19.

17. The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him, and having power to dispose of the same.

Power of superior Revenue Authorities to withdraw and transfer cases.

18. Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

Power of Revenue-officers to enter on lands, &c.

No. 2, ¶ 16.

19. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue-officers in matters not provided for by this Act, and may, by any such rule, direct that any provisions of the Civil Procedure Code shall apply with or without modification to all or any classes of cases before Revenue-officers.

Power to make rules to regulate procedure.

B. 21.

20. All appearances before, applications to, and acts to be done before Revenue-officers under this Act may be made or done—

Persons by whom appearances and application may be made before and to Revenue-officers.

(*a*) by the parties themselves;

(*b*) with the permission of the officer, by their recognized agents; and

(*c*) with the like permission, by any legal practitioner:

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

Obligation of parties to attend in person.

21. The fees of no legal practitioner or recognized agent shall be allowed as costs before any Revenue-officer unless, for reasons to be recorded by him in writing, such officer considers that such fees are proper to be allowed.

B. 22: Act XVIII of 1873, s. 143.

Legal practitioner's or agent's fees not allowed unless for special reasons.

22. Except as otherwise hereinafter provided, an appeal shall lie against every decision or order under this Act —

B. 20.

Appeals.

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner except an Assistant Commissioner exercising the power of a Deputy Commissioner,—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed:

Provided also that, if the appeal is from an interlocutory order and the appellate authority is of opinion that such appeal is unnecessary or inconvenient, it may reject the same without notice to the respondent.

New.

23. No appeal shall be brought—

B. 44, 45: Act XIX of 1873, s. 245.

Limitation of appeals.

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

24. Any Commissioner or Deputy Commissioner may at any time call for and examine the record of any case pending before or disposed of by any Revenue-officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, such officer, and may pass such order in reference thereto as he thinks fit: Provided that he shall not under this section without previous notice to the parties interested, or without the previous sanction of the Chief Commissioner, modify or reverse any order affecting any question of right between private persons.

B. 41.

Powers of revision of Commissioner and Deputy Commissioner.

B. 42.

25. The Chief Commissioner may at any time call for and examine the record of any case pending before or disposed of by any Revenue-officer, and may pass such order in reference thereto as he thinks fit.

Powers of revision of Chief Commissioner.

B. 43: No. 2, ¶¶ 19, 20.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, orders passed by himself or by any of his predecessors in office:

Review of orders.

Provided that—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is subordinate:

(2) no order shall be modified or reversed without previous notice to the parties interested to appear and be heard in support of such order:

(3) no order against which an appeal has been preferred shall be reviewed, unless such appeal has been withdrawn:

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such an order shall be entertained unless it is preferred within ninety days from the passing of the order, or good cause is shown for the delay.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SETTLEMENT.

CHAPTER III.

PRELIMINARY.

B. 47.

27. When it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he may publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen, may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for any purpose connected with the survey.

Notification of revenue-survey.

Effect thereof.

B. 48: Act XIX of 1873, s. 36.

28. When any local area is to be put under settlement, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement, and in such notification shall—

Notification of settlement.

(*a*) define the local area to be put under settlement;

(*b*) specify the operations which are to be carried out in the settlement of such area.

No. 3, ¶ 6.

The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, amend or alter such notification.

B. 50: Act XXXIII of 1871, s. 12.

Power to amend notification.

29. The Chief Commissioner may from time to time appoint one or more officers (hereinafter called "Settlement-officers") to make the settlement; and when he appoints more than one such officer he shall appoint one of such officers (hereinafter called "the Chief Settlement-officer") to control such settlement, and all other officers appointed for the purposes of such settlement shall be subordinate to him.

B. 49 and 50.

Power to appoint Settlement-officers;

The Chief Commissioner may suspend or remove any officer appointed under this section.

and to suspend and remove them.

30. When any land is under settlement, all Settlement-officers and their assistants, servants, agents and workmen may enter on such land for the purpose of surveying it, and may do all other acts necessary for any purpose connected with the settlement.

B. 70: Act XIX of 1873, s. 41.

Power to enter on and survey land, &c.

31. When any local area is under settlement, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may from time to time direct.

B. 54, 136.

Settlement-officer may be invested with powers of Deputy Commissioner.

32. The provisions of section eleven and sections fifteen to twenty-six both inclusive shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, under the provisions hereinbefore contained, the expression "Settlement-officer" being read for "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer" for "Deputy Commissioner," wherever they occur:

B. 61.

Certain provisions of chapter II applied to Settlement-officers.

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order.

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

33. The Chief Commissioner may, with the previous sanction of the Governor General in Council,

B. 58.

Appointment of Settlement-Commissioner;

(*a*) appoint a Settlement-Commissioner, and invest him, within any local area under settlement, with all or any of the powers which the Commissioner of the division, if the land to be settled was wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

(*b*) delegate to the Settlement-Commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

delegation to him of Chief Commissioner's powers.

B. 53. Act XXXIII of 1871, s. 11 (2); No. 2, ¶¶ 24 to 27.

Power to invest Settlement-officers with Civil Court powers.

34. When any local area is under settlement, the Chief Commissioner may, for the trial in the first instance of any classes of suits arising within such area, being

(*a*) suits of the kinds specified in the first schedule hereto annexed, or the second schedule of the Central Provinces Tenancy Act, 1880, or

(*b*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the Record-of-rights, and of which Civil Courts can take cognizance, or

(*c*) suits relating to land, or the rent, profits or occupation of land,

invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section four of the Central Provinces Courts' Act, 1865, and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner.

B. 53.

Appeals in suits heard under section 34.

35. When the Chief Commissioner invests any Subordinate Settlement-officer with the powers of a Civil Court, with a view to his disposing of the suits mentioned in section thirty-four, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner for disposing of appeals from the decrees and orders of such officer in such suits.

B. 55 (*a*).

Other appeals in local area under settlement.

36. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section thirty-four in such local area, the Chief Commissioner may, with respect to all or any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid by Assistant Commissioners or Tahsíldárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer and not to the Deputy Commissioner of the district.

B. 57: No. 3, ¶ 7.

Division of civil work between Settlement-officers and ordinary Courts.

37. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section thirty-four, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts:

Provided that no proceedings which have been inadvertently or erroneously taken before one of the above classes of Courts shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before another class.

Appeal, reference and revision.

38. Except as hereinbefore provided, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Court of such grade.

Duration of settlement-operations.

39. A settlement notified under section twenty-eight shall be deemed to be in progress until the Chief Commissioner notifies that it is completed. Act XIX of 1873, s. 37: No. 3, ¶ 7.

Cases pending at close of settlement-operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease, and all pending suits and applications shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the Division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs. B. 52: Act XIX of 1873, s. 259.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

Settlement-officer to invite claims to lands appearing to have no owner.

40. When any local area is under settlement, the Chief Settlement-officer may make lists of all lands which appear to him to have no lawful owner, and may issue notifications declaring his intention to demarcate such lands as the property of the State, and inviting all persons having claims to or over them to lodge such claims in his Court within three months from the date of the notification. B. 65: Act XIX of 1873, s. 58.

Application of Act XXIII of 1863.

41. (*a*). Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one; B. 65: Act XIX of 1873, s. 59.

(*b*) the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

(*c*) the Chief Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

(*d*) claims to or over the land mentioned in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

Procedure when limited right over land established.

42. When a claim to the exercise or enjoyment of any right not amounting to the right of exclusive possession in any land so notified is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863, section seven, the Settlement-officer may assign to the claimant as his property a certain definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant: and such assignment or compensation shall be held to extinguish all claims on account of the exercise or enjoyment of any rights as aforesaid. B. 68.

Mahâls.

Power to form mahâls.

43. The Settlement-officer may declare any land to be a mahâl. B. 69, 75, 1[illegible]

Excluded lands.

Settlement-officer may exclude portions of mahâl from settlement-operations.

44. For the purpose of excluding from all or any of the operations of the settlement any town or other land in a mahâl from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land: B. 73: No. 2, ¶¶ 29-31.

Provided that no land on which land-revenue is payable at the date of the notification issued under section twenty-eight shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks and Maps.

B. 71.

Erection of new, and repair of existing, boundary-marks.

45. When any local area is under settlement, the Settlement-officer may require all persons who have proprietary rights in the land comprised in such area to erect boundary-marks of such description and at such places as he thinks necessary, in order to define the limits of the mahâls or fields in their possession, or to repair boundary-marks already existing, and may fix a reasonable time for compliance with his order;

and if his order is not complied with within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

B. 74.

Preparation of maps.

46. When the limits of mahâls and fields have been defined under section forty-five, the Settlement-officer shall, if the Chief Commissioner so directs, prepare for each mahâl or for any group of neighbouring mahâls one or more maps, showing the boundaries thereof and all the boundary-marks erected or repaired as hereinbefore provided, and also all the fields comprised in such mahâl or group. In all such maps the fields shall be consecutively numbered.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

B. 82.

Separate sum to be assessed on every mahâl.

47. On every mahâl, a definite and separate sum shall be assessed as Government land-revenue; but, with the sanction of the Chief Commissioner, the sum so assessed upon any mahâl may be reduced, in such manner as he thinks fit, for any period not exceeding five years from the date on which the assessment takes effect.

Progressive assessments.

B. 82 (*b*): Compare Act XIX of 1873, section 39.

Matters as to which Chief Commissioner is to instruct Settlement-officer.

48. The Chief Commissioner may, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer laying down the principle on which land-revenue is to be assessed, and among other matters prescribing the sources of miscellaneous income, whether denominated Sáir or Sawáí or otherwise, to be taken into account in the assessment of land-revenue and the term for which the settlement is to be made.

No. 3, ¶ 7.

B. 46, 88 (*a*): Act XV[illegible] of 1876, section [illegible]; [illegible] XXXVII of 1793, preamble; No. 1, ¶¶ 17-[illegible].

What land taken into account in assessing mahâl.

49. In assessing a mahâl all land therein shall be taken into account except the following, that is to say:—

(*a*) land purchased free of revenue under any rules for the time being in force to regulate the sale of waste-lands;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force for the redemption of the tax on any land required or used for dwelling-houses, factories, gardens, plantations or [illegible] similar purposes;

(*c*) land excluded from assessment under section forty-four;

(*d*) land in respect of which a claim to hold revenue-free as against the Government is established under the provisions hereinafter contained;

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may exempt from assessment.

Settlement with whom to be made.

50. The settlement of every mahâl shall be offered to the entire proprietary body of such mahâl: Provided that, when superior and inferior proprietary rights co-exist in the same mahâl, the Settlement-officer may, subject to such rules as the Chief Commissioner may from time to time prescribe in this behalf, determine— B. 86, 137 (*c*): Act XIX of 1873, sections 43, 44 and 53.

(*a*) whether the settlement shall be offered to the superior or the inferior proprietors: and

(*b*) the manner and proportion in which the proprietary profits of the mahâl shall be allotted between the superior and the inferior proprietors.

A mortgagee in possession shall, for the purposes of this section, stand in the place of a mortgaging proprietor. Act XIX of 1873, s. 43: No. 3, ¶ 9.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in a mahâl in which superior and inferior proprietary rights co-exist the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, binding such inferior proprietors to pay to them an annual revenue equal to the Government land-revenue and provincial cesses and the profits to which they are entitled under section fifty, clause (*b*). B. 88: Act XIX of 1873, s. 54.

What inferior proprietors are to pay when settlement is made with them.

52. When in any such mahâl the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profit to which the superior proprietors are entitled under section fifty (*b*) shall be paid by the inferior proprietors direct to such superior proprietors, or shall be collected as if it were Government land-revenue and paid to them from the Government Treasury. B. 88: Act XIX of 1873, s. 55.

Power to issue rules for reporting assessment for sanction.

53. The Chief Commissioner may from time to time make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment, and no assessment shall be offered to the persons permitted to engage until its amount has been sanctioned by the Chief Commissioner. See s. 45, N.-W. P.

Offers of assessment to be announced subject to revision and confirmation.

54. All offers of assessment shall be made subject to confirmation by the Governor General in Council, and to revision by the Chief Commissioner at any time before such confirmation is received. B. 89.

Option to accept or refuse assessment.

55. It shall be in the option of the persons to whom an assessment of a mahâl is offered to accept or refuse the same. B. 90, 91.

Mode of acceptance.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may from time to time

prescribe in this behalf, and deliver the same to the Settlement-officer.

B. 91.

Proprietor not attending may be deemed to have accepted.

56. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

B. 92, 134.

Effect of acceptance of assessment.

57. The assessment of a mahál accepted under this Act shall take effect from the date of such acceptance or from such subsequent date as the Chief Commissioner may appoint in this behalf, and shall continue in force for the term fixed under section forty-eight or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect: Provided that—

Act XIX of 1873, s. 191.

Act XXXIII of 1871, s. 33.

Assessment may be rescinded by Chief Commissioner;

1st—any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

or by Governor General in Council.

2ndly—the Governor General in Council may rescind any assessment submitted to him for confirmation;

Act VIII of 1846, s. 4.

Málguzárs may object to continuance of assessment beyond term of settlement.

3rdly—if any málguzár, six months before the expiry of the term fixed under section forty-eight, applies to the Deputy Commissioner stating that he is unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force;

Saving of right to partition mahál.

4thly—nothing herein contained shall affect the right of any person holding any portion of a mahál in severalty to have such portion constituted a separate mahál under the provisions hereinafter contained.

B. 94: Act XIX of 1873, s. 48.

Procedure when assessment is declined.

58. Where there is but one class of proprietors in a mahál and none of them are willing to accept in manner required by section fifty-five the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement, and may settle the mahál with any other persons, or may take it under direct management:

Provided that the period of exclusion under this section shall in no case exceed the term of settlement.

B. 95: Act XIX of 1873, s. 49.

Procedure when only some proprietors accept assessment.

59. If some of the proprietors are willing so to accept and others are not willing so to accept the assessment offered, the Settlement-officer may, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, form such lands into a separate mahál, and deal with such mahál under section fifty-eight:

Provided that the settlement of such separate mahál shall be offered in the first instance to the proprietors who were willing to accept the assessment originally offered.

In other cases the settlement of the entire mahál shall be offered to the proprietors who were willing to accept the settlement when originally offered, and if they refuse it the mahál shall be dealt with under section fifty-eight.

B. 96: Act XXXIII of 1871, s. 30: Settlement Code, p. 51.

Procedure on refusal of assessment in village in which superior and inferior rights exist.

60. When an assessment is offered in a mahál in which both superior and inferior proprietors exist—

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement are unwilling to accept as aforesaid the assessment offered, the settlement shall be offered to the other class; and if all the proprietors of such class refuse the settlement, the settlement-officer shall proceed as in section fifty-eight;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all refused or may deal with the mahál under section fifty-nine:

Provided that if, in the latter case, the proprietors who were willing to accept the assessment when originally offered refuse to accept it, such settlement shall be offered to the other class of proprietors in preference to any other persons.

B. 97: See s. 54, N.-W. P.

Procedure on refusal of sub-settlement by inferior proprietors.

61. If all the inferior proprietors refuse any sub-settlement offered under section fifty-one, the Settlement-officer may **assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.**

If some only of the inferior proprietors refuse the sub-settlement, the Settlement-officer may in his discretion either—

(*a*) proceed as if all had refused it; or

(*b*) deal with the mahál under section fifty-nine as if the sub-settlement had been a settlement.

B. 98: Act XIX of 1873, ss. 48, 51: Act XXXIII of 1871, s. 37: No. 3, ¶ 10.

Allowance to excluded proprietors.

62. Any proprietor excluded from settlement under section fifty-eight or section sixty, clause (*a*), shall be entitled to receive, from the Government, an annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent. or more than ten per cent. on the amount of the assessment offered to him by the Settlement-officer.

Act XIX of 1873, s. 50: No. 3, ¶ 10.

Excluded proprietors to have occupancy-rights in their sír-land.

63. Any proprietor excluded from settlement under sections fifty-eight to sixty-one, inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant; and **the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.**

Act XIX of 1873, s. 56.

Sub-settlement with málik-makbúzás and other like proprietors.

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the proprietors of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the proprietors such percentage thereon, not exceeding twenty per cent., as

may in his opinion be sufficient to compensate the said proprietors for their responsibility in respect of the Government land-revenue, and to meet fees to lambardárs and mukaddams.

B. 99.

Revenue payable under sub-settlement to be first charge on land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

B. 76: Act XIX of 1873, s. 62.

Settlement-officer to ascertain proprietors.

66. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land of each mahál.

B. 108.

To determine extent of sír-land.

67. The Settlement-officer shall determine the extent and situation of land held as sír in each mahál.

B. 109: Act XIX of 1873, ss. 65 and 67: Settlement Code, p. 74, para. 7.

To decide disputes among shareholders regarding management of village.

68. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as regards the introduction and ejectment of tenants, the granting of pattás, the realization and distribution of rents and other profits, the payment of land-revenue, village expenses and other charges, and generally in matters relating to the control and management of the mahál; and shall decide disputes or record any arrangement agreed on regarding such matters.

B. 100 and 107: Act XIX of 1873, s. 46.

To distribute assessment over lands held in severalty.

69. When the whole or part of the land of a **mahál is held in severalty the Settlement-officer shall** distribute the amount assessed under a settlement or a sub-settlement over the lands of such mahál, and such distribution shall be binding upon the málguzárs as among themselves.

B. 101.

To determine through what lambardárs revenue shall be paid.

70. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or málik-makbúzá shall be paid.

B. 110: Act XIX of 1873, s. 68.

To determine status and rents of tenants.

71. The Settlement-officer shall ascertain and record for each mahál the status of all tenants occupying land therein, the lands held by them, the conditions of their holdings, **and the rents (if any) payable by them respectively.**

B. 107: Act XIX of 1873, s. 67.

To re-distribute land according to custom.

72. When by established **custom the land held** by each proprietor in any mahál is subject to periodical re-distribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such re-distribution according to such custom.

B. 112, 113: Act XIX of 1873, ss. 85-87.

Enquiry into claims to hold revenue-free as against Government.

73. The Settlement-officer shall investigate claims against the Government to hold land free of revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free of revenue.

Power of Chief Commissioner to issue rules.

The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

B. 112: Act XIX of 1873, section 79.

Inquiry as to claims to hold revenue-free as against málguzars.

74. When any land not being land which any person is entitled to hold revenue-free as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land; and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Provided that no order under this section shall exempt any land from the payment of revenue when the mahál in which it is situate is sold for arrears of revenue.

B. 113.

Chief Commissioner may prescribe rules for disposal of such cases.

The Chief Commissioner may from time to time make rules for the guidance of Settlement-officers in dealing with cases under this section.

B. 116.

Time from which orders under sections 73 and 74 take effect.

75. When the Settlement-officer decides, under section seventy-three or section seventy-four, that land which has been held free of revenue, or at less than full revenue, shall pay revenue, or pay the same at enhanced rates, such order **shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of any preceding year or years shall be realized.**

No. 3, ¶ 12.

B. 117, 118 (*a*): Act XIX of 1873, s. 66.

Settlement-officer to decide what village-cesses are leviable.

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

B. 118 (*b*), 120.

To determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

(*a*) the right of any lambardár, mukaddam, patwári, village-watchman or other village-servant to any customary dues or other remuneration, and his liability to render any **customary service in return for such dues or remuneration;**

(*b*) **the rights of persons resident in the village,** or holding lands in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

New.

Procedure in cases under sections 66, 67, 68, 71 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter referred to in sections sixty-six, sixty-seven, sixty-eight, seventy-one and seventy-seven, clauses (*b*), (*c*) and (*d*),

the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute, he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

B. 119, 120.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahále, a Record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter; and

Act XIX of 1873, ss. 62 and 63, and s. 65, clause (*e*).

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

B. 137 (*f*).

Chief Commissioner may make rules regarding Record-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the Record-of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested.

B. 52: Act XXXIII of 1871, s. 17.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a Record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

B. 197: Act XIX of 1873, s. 91.

Effect of entries in Record-of-rights.

82. All entries in the Record-of-rights duly made and attested shall be presumed to be correct until the contrary is shown, or until they are amended in manner provided by this Act.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section seventy-eight, or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the Record-of-rights in reference to any matter mentioned in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Provided that—

B. 199 (*b*).

(*a*) when the suit is for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit;

(*b*) no such suit instituted by any persons by whom the Record-of-rights was signed, or by any persons claiming through them, and brought with a view to modify or set aside any entry relating to any matter mentioned in section sixty-eight or section seventy-seven, clause (*b*), (*c*) or (*d*), shall be brought without the previous sanction of the Chief Commissioner;

B. 199 (*c*).

(*c*) the Court before which any such suit is brought shall take judicial notice of every rule to which the Settlement-officer ought to have had regard when he made the entry.

Revision of Record-of-rights by Chief Commissioner.

84. Notwithstanding anything hereinbefore contained, the Chief Commissioner shall not, after an assessment has been confirmed by the Governor General in Council, exercise, in respect of any entry of the descriptions referred to in section eighty-three made in a Record-of-rights prepared in connection with such assessment, the power of revision conferred by sections twenty-five and thirty-two, unless it is proved that such entry was made inadvertently.

B. 121, proviso (1), 199 (*f*).

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct.

B. 185.

CHAPTER VII.

OF PROVINCIAL CESSES.

Assessment of provincial cesses.

86. The road-cess, the school-cess and the dâk-cess shall be assessed by the Settlement-officer on all lands whether land-revenue be assessable on the same or not.

B. 84, 85: No. 1, ¶ 18.

In the case of lands fully assessed to land-revenue, the road-cess and school-cess shall be assessed at the rate of two per cent., and the dâk-cess at the rate of one half per cent., on such revenue;

In the case of lands not so assessed the said cesses shall be assessed at the same rates on the revenue which, in the opinion of the Settlement-officer, would be assessed on such lands if they were assessable to land-revenue at full rates.

CHAPTER VIII.

OF SETTLEMENTS MADE BEFORE THE PASSING OF THIS ACT.

Former settlements deemed to have been made under Act.

87. Settlements made before the passing of this Act shall be deemed, so far as may be, to have been made under this Part; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements thereunder shall apply in like manner to proceedings taken and records prepared before the passing of this Act.

B. 128.

Effect of awards of proprietary right at such settlements.

88. When a Settlement-officer or Settlement Court has, at any settlement made before the passing of this Act, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been declared by him or it invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court.

B. 148: No. 1, ¶¶ 19-21.

When suits for proprietary right will lie in Civil Courts.

89. Any person whose claim to proprietary right in land was not considered by such officer or Court may sue in a Civil Court, at any time within the period of limitation prescribed by the law for the time being in force, to establish such claim; and, if he can prove that, when proprietary rights were awarded in the lands claimed

B. 149, 150: No. 1, ¶¶ 19-21.

by him, he was entitled to have like interests in such lands with those in consideration of which proprietary rights were awarded, the Court in its decree may declare him to be proprietor of such lands.

B. 133.

Chief Commissioner may allot waste-land to malik-makbúzás entitled thereto.

90. When, at any settlement made before the passing of this Act, málik-makbúzás have been declared entitled to receive a portion of the waste-lands of any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the title and conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER IX.

OF THE COLLECTION OF LAND-REVENUE.

B. 171: Act XIX of 1873, section 147.

Power of Chief Commissioner to regulate payment of land-revenue.

91. Notwithstanding anything contained in the Record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

See section 147, N.-W. P.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are now payable.

B. 173: Act XIX of 1873, section 148.

"Arrear."
"Defaulters."

92. When any sum payable under a settlement or sub-settlement is not paid within the time within which it is payable under section ninety-one, such sum shall be deemed to be an arrear, and all the persons with whom such settlement or sub-settlement was made shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act.

B. 90.

Of the Realization of Government Revenue from Málguzárs.

Act XIX of 1873, s. 149: No. 3, ¶ 18.

Tahsíldár's statement of account to be conclusive evidence of arrear.

93. Except as hereinafter provided, a statement of account, certified by the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.

B. 173 (*a*): Act XIX of 1873, s. 150 (*a*).

Notice of demand.

94. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

B. 173: Act XIX of 1873, s. 150.

Processes for recovery of arrears.

95. An arrear payable directly to Government may be recovered by one or more of the following processes:—

(*a*) by arrest and imprisonment of any defaulter;

(*b*) by attachment and sale of his moveable property;

(*c*) by attaching the mahál or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same under direct management;

(*d*) by transferring the share or land of any málguzár as aforesaid to any málguzár who has paid as aforesaid; or if all such málguzárs decline to accept such share or land, to a person having a mortgage or charge upon the same;

B. 178.

(*e*) by annulling the settlement of the mahál in respect of which the default has occurred and taking such mahál under direct management or farming the same;

(*f*) by selling the mahál or the land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has occurred:

Provided—

(1) that the process mentioned in the said clause (*a*) shall not be issued against any female;

(2) that the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) of this section shall not be enforced without the sanction of the Chief Commissioner;

(3) that no land shall be sold, and the settlement of no land shall be annulled on account of an arrear accruing on such land whilst it is under attachment, or under charge of the Superintendent of Government wards, or held by the Deputy Commissioner under direct management, or let by him in farm.

Act XIX of 1873

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

B. 174.

Arrest and imprisonment for recovery of arrear.

96. The process mentioned in section ninety-five, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the tahsíldár may order him to be taken before the Deputy Commissioner or may keep him under personal restraint at the tahsíl for a period not exceeding ten days, and may then, if the arrear is still unpaid, cause him to be taken to the Deputy Commissioner.

Act XIX of 1873, s.

B. 175: Act XIX of 1873, s.

Imprisonment of defaulter in civil jail.

97. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid.

Act XXXIII of 1871, s. 43.

98. Attachment and sales of moveable property made under this chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court.

Procedure in sales of moveable property.

B. 176: No. 3, ¶ ¶ 19-20.

99. After causing any attachment to be made under section ninety-five, clause (*c*), the Deputy Commissioner shall issue a proclamation declaring the attachment, and shall place the attached mahál, share or land under the management of any agent whom he may appoint for the purpose.

Management of share or patti attached under section 95, clause (c).

B. 176: Act XIX of 1873, s. 155.

100. During the continuance of an attachment under section ninety-nine, the defaulters shall be excluded from possession of the land attached, and the agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors, incumbrancers or tenants of, or on, such land.

Effect of attachment.

B. 177: Act XIX of 1873, s. 156.

101. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue or provincial cesses falling due upon such land during the attachment, and next, to discharging the arrear.

Profits of land how applied.

B. 178-177: Act XIX of 1873, s. 156.

102. The attachment shall continue until the arrear is paid or realized from the profits of the land or the Collector thinks fit to reinstate the defaulters in possession:

Attachment when to cease.

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

B. 178.

103. When it is proposed to execute the process mentioned in section ninety-five, clause (*d*), the persons to whom the share or land is to be transferred shall be required to pay the arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

Transfer under section 95 (d).

Act XIX of 1873, s. 157.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the estate for arrears accruing on such estate subsequently to the transfer of the holding, except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose holding is transferred.

Joint and several liability not affected by transfer.

B. 179: Act XIX of 1873, s. 159.

104. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession, and either manage the mahál or any portion thereof himself or through an agent or let it in farm for such term and on such conditions as the Chief Commissioner directs: and all liens, leases and other incumbrances created upon the land so managed or farmed by the defaulters, or by any person through whom they claim, may, at the option of the Deputy Commissioner, be cancelled:

Procedure after receipt of sanction to annulment of settlement.

Provided that no farm or management under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

B. 180: Act XIX of 1873, s. 165.

105. After the expiration of the period of management or farm, the Deputy Commissioner shall offer to the persons entitled to be settled with under section fifty a new settlement of the land on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the local area in which such land is situate; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such land in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

Settlement on expiry of farm or management.

New.

106. When a portion only of the mahál is taken under management or farmed under section one hundred and four, the rest of such mahál shall be separately re-settled for the remainder of the term of settlement.

Case of a portion of a mahál being farmed or managed.

Act XIX of 1873, s. 190.

107. Notwithstanding anything hereinbefore contained, no defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section ninety-five, clauses (*c*), (*d*) and (*e*); but any such defaulter shall, while such process is being enforced, be entitled to retain possession of, and pay rent for, such land as if he were an absolute occupancy-tenant.

Saving of rights in sír-land.

B. 182: Cf. Act XIX of 1873, s. 157.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all liens, leases and incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nature of estate taken by purchaser of land sold for arrears due thereon.

Nothing in this section shall—

No. 3, ¶ 20.

(*a*) affect the rights of any proprietor, superior or inferior, to the defaulters or of any málik-makbúzá or occupancy-tenant who does not derive his rights as such from express contract with such defaulters or any person through whom they claim; or

(*b*) apply to lands held under leases for the erection of dwelling-houses or manufactories, or for mining purposes, gardens, tanks, canals, places of worship or burying-grounds, whilst the lands continue to be used for the purposes specified in such leases; or

(*c*) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by the Central Provinces Tenancy Act, 1880.

Act XXXIII of 1871, s. 58.

109. When immoveable property is sold under this Act, the procedure provided in sections 287 (except the last two clauses), 293 and 306 to 316 inclusive of the Civil Procedure Code shall be followed, except in the following particulars, that is to say:—

Rules for sale of immoveable property.

(*a*) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(*b*) The proclamation of the intended sale provided in the said section 287 shall, when the sale is under clause (*f*), section ninety-five of this Act, declare that, subject to the provisions of section one hundred and eight, the full proprietorship or superior or inferior proprietorship, as the case may be, is to be sold free of all liens, leases and incumbrances, and the certificate provided for in section 316 of the said Code shall contain a similar statement.

(*c*) An appeal from any order under section 212 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the division, and an appeal from the Commissioner's order shall lie to the Chief Commissioner.

Act XIX of 1873, s. 172.

(*d*) The Deputy Commissioner may, from time to time, postpone a sale which he has notified, reporting such postponement to the Commissioner of the Division.

(*e*) Section 309 of the Civil Procedure Code shall be read as if, after the words "for such payment," the words "and every sale of such property made after a postponement" were added.

(*f*) Section 313 of the said Code shall not apply to sales under section ninety-five, clause (*f*), of this Act.

(*g*) Section 316 of the Civil Procedure Code shall be read as if the words "The Deputy Commissioner shall give to the purchaser possession of the lands which he has purchased" were added thereto.

Act XIX of 1873, section 188.

110. (*a*) When the land of one or more of the málguzárs is sold under section ninety-five, clause (*f*), any málguzár who has paid the revenue which as between him and the other málguzárs is payable by him, and

Pre-emption at sales.

(*b*) when the superior or inferior proprietorship of any land is so sold, any inferior or superior proprietor (as the case may be)

may, if the property has been knocked down to a stranger, claim to take it at the sum last bid:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant fulfils all the conditions of the sale and that a málguzár under clause (*a*) shall have a prior claim to a superior or inferior proprietor under clause (*b*).

B. 188: Act XIX of 1873, section 185.

111. The proceeds of every sale in execution of any process mentioned in section ninety-five shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear of land-revenue due by the defaulter; and the surplus, if any, shall then be payable to him, or, in the case of more than one defaulter, to such defaulters according to their respective shares in the property sold.

Application of proceeds of sale of immoveable property.

B. 187.

112. The costs of serving a notice of demand under section ninety-four and of enforcing any process mentioned in section ninety-five shall be recoverable as part of the arrear in respect of which the process was issued.

Costs recoverable as part of arrear.

B. 188.

113. The Chief Commissioner may from time to time make rules—

Matters as to which Chief Commissioner may make rules.

(*a*) for the guidance of the Deputy Commissioner in issuing notices of demand under section ninety-four and executing the processes mentioned in section ninety-five;

(*b*) prescribing the manner in which lands exempted from partition shall be dealt with when a default occurs;

(*c*) defining the classes of officers by whom the processes mentioned in section ninety-five, clauses (*a*) and (*b*), may be enforced;

(*d*) prescribing the agency by which any of the processes issued under section ninety-five shall be executed.

B. 195.

114. Notwithstanding anything contained in section ninety-three, when proceedings are taken under this Act for the recovery of an arrear payable directly to Government, the person against whom such proceedings are taken may, if he denies the arrear or any part thereof to be due, pay the same under protest made at the time of payment and duly signed by him or by his agent, and file a suit in the Civil Court for the recovery of the amount which he denies to be due.

Remedies open to person denying that sum demanded as an arrear is due.

Act XIX of 1873, s. 189.

Of the Realization of Revenue by Málguzárs.

B. 190.

115. In a suit for the recovery of an arrear of revenue not being Government revenue or a suit brought by a lambardár to recover the amount of any Government revenue or provincial cess payable through him, the defendant shall not, except with the permission of the Court,—

Limitation of right to set-off, &c., in suit for arrears.

(*a*) set off against the plaintiff's demand any sum of money recoverable by him from the plaintiff, or

(*b*) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

B. 192: Act XVII of 1876, s. 158.

116. Any lambardár or sub-lambardár entitled to recover an arrear of revenue, or any malguzár to whom such an arrear is due under a sub-settlement, may, instead of instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of Government revenue.

Recovery of arrear through Deputy Commissioner instead of by suit.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons who would be defendants, if a suit were brought, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section one hundred and fourteen to contest an arrear in respect of which an order has been made under this section.

Persons on whose account the Deputy Commissioner proceeds under this section to recover arrears shall not thereby be relieved of their responsibility for such arrears; and shall forfeit their claim to the collection-charge, or, if no separate collection-charge has been fixed, to such percentage on the sum collected as the Chief Commissioner may authorise by rules framed in this behalf; and such charge or percentage shall be collected and credited to the Government.

B 151-154: No. 2, ¶¶ 40-48.

Saving of right of proprietor to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877, and no agreement made after the passing of this Act, shall bar the right of the málguzárs of any mahál assessed to land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment has been held by any person without payment of revenue; but the Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. The period of limitation in suits for the recovery of revenue payable under a settlement or sub-settlement shall be three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

Interest on arrears.

B. 198: Act XIX of 1873, s. 148: No. 3, ¶ 21.

Interest on arrears.

119. Interest shall not be charged on an arrear of Government revenue unless the Chief Commissioner so directs; but the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER X.

OF THE MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS.

B. 198.

Correction of Record-of-rights.

120. An entry in the Record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion on one or more of the following grounds:—

Act XIX of 1873, s. 94.

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section eighty-three it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court, or on the order of a Revenue or Settlement-officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

Revision of record in accordance with provision therein contained.

121. The Deputy Commissioner may revise a Record-of-rights when such revision is provided for in such record.

Powers of Deputy Commissioner as to correction or revision of record.

122. When the Deputy Commissioner takes proceedings for the correction or revision of any entry in the Record-of-rights, he shall exercise, with respect to the matter to which such entry relates, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

Power to direct that rule or custom entered in Record-of-rights shall be enforced by Government.

123. The Chief Commissioner may direct that any rule, custom or condition entered in the Record-of-rights of any village shall be enforced by the Government. B. 155, 156: No. 2, ¶¶ 46, 48.

Punishment of violation of such rule or custom.

If any of the persons with whom a settlement or sub-settlement has been made violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided in this or in the Central Provinces Tenancy Act, 1880, for such violation or neglect, impose upon such person a fine which may extend to two hundred rupees.

Powers of Chief Commissioner as to registration of changes after preparation of Record-of-rights.

124. The Chief Commissioner may—

(*a*) **direct that the mukaddam of each village shall, for the purpose of showing** the changes occurring subsequently to the preparation of the Record-of-rights, prepare, or, where there is a patwárí, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe; B. 147, 201: No. 3, ¶ 24.

(*b*) prescribe the procedure to be followed in order to ascertain that a change has occurred, and the nature of such change

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the Record-of-rights, and the Chief Commissioner may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained.

Possession of proprietary rights to be notified.

125. All persons obtaining possession of proprietary rights and interests in land shall at once give notice of the same to the tahsíldár of the tahsíl in which such land is situated. Act XIX of 1873, s. 97.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

Fine for neglect to give notice of possession.

126. Any person neglecting to give the notice required by section one hundred and twenty-five shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues. Act XIX of 1873, s. 100.

Obligation to aid in preparation of village-papers.

127. All persons having proprietary rights in land are, on the requisition of the Deputy Commissioner, bound to prepare, or cause to be prepared, such papers and furnish such information as may be required for the preparation of the village-papers prescribed under section one hundred and twenty-four.

B. 202: Act XIX of 1873, s. 96.

Fees for mutations.

128. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section one hundred and twenty-four, and may fix the amount of such fees.

From whom leviable.

129. All fees leviable under section one hundred and twenty-eight shall be levied from the person in whose favour the change takes place.

B. 169: Act XIX of 1873, s. 101.

Annual enquiry regarding revenue-free holdings.

130. The Deputy Commissioner shall make enquiry annually regarding all cases in which land has been released conditionally or for a time from the payment of revenue; and,

Procedure on expiry of term of grant.

if the term of any grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold revenue-free, or at less than full revenue-rates, has died, shall assess the same, and shall report his proceedings through the Commissioner of the Division for the sanction of the Chief Commissioner.

B. 169: Act XIX of 1873, s. 101.

Procedure on breach of condition of release.

131. If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the Division for the orders of the Chief Commissioner, who may direct that the land be assessed or may pass such other order as he thinks fit.

B. 203: Act XIX of 1873, s. 106.

Inspection of revenue-records.

132. All records kept under this chapter shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

CHAPTER XI.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.

133. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement-officers for the following purposes:—

(*a*) causing boundary marks to be erected;

(*b*) assessing land-revenue on lands which are liable to assessment, but have not been assessed;

B. 165.

(*c*) forming new maháls from land not previously settled;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be re-admitted;

(*e*) settling maháls in respect of which an application has been made under the third proviso to section fifty-seven;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the malguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village cesses which are levied at the time of the passing of this Act, but have not been recorded at the settlement.

Purposes for which officers may be invested with Settlement-officer's powers.

134. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections forty, forty-one and forty-two; or B. 166: Act XIX of 1873, s. 93.

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section fifty-seven.

Cognizance of, and penalty for, offence of injuring boundary-marks.

135. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Naib Tahsíldár empowered by the Chief Commissioner in this behalf to pay such sum, not exceeding fifty rupees, as may in the opinion of the officer making the order be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, damage or removal. P. 159: B. 10: Act XIX of 1873, s. 142.

Procedure when person injuring cannot be found.

136. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found **impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.** B. 160: Act XIX of 1873, s. 143.

Partition of a mahál into two maháls.

137. Any málguzárs of a mahál who are not co-sharers with the other malguzárs of such mahál in any lands of such mahál except such lands as are under the law relating to partition for the time being in force indivisible, may apply to the Deputy Commissioner to make the lands held by them separately from such other málguzárs a separate mahál; and the Deputy Commissioner shall thereupon make such lands and the lands held separately by the remaining málguzárs separate maháls, and shall apportion between the two new maháls thus constituted the entire revenue assessed upon the original mahál. New.

CHAPTER XII.

VILLAGE-OFFICERS AND PATWÁRÍS.

Power to make rules as to officers.

138. The Chief Commissioner may, from time to time, make rules regulating the appointment, remuneration and dismissal of lambardárs, sub-lambardárs and mukaddams: B. 204.

Provided that proprietors other than málik-makbúzás shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is No. 1, ¶ 38 Settlement Code, p. 26, para. 43.

assessed on their land or which when their land is revenue-free would, in the judgment of the Deputy Commissioner, be assessed on their land if it was subject to assessment.

In framing rules for the appointment of lambardárs and sub-lambardárs under this section, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the Record-of-rights of any mahál.

B. 205. Duties of lambardárs.

139. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government treasury so much of the land-revenue as may under section seventy be payable through him, either solely or jointly with other lambardárs or sub-lambardars;

(*b*) to collect and pay to the mukaddam, or into the Government treasury, as the Deputy Commissioner may direct, all sums payable through him, either solely or jointly with other lambardárs, or sub-lambardárs, from the mahál to which he is appointed, on account of cash-allowances to patwáris or village-watchmen, or on account of any expenses which the mukaddam is authorized to incur and to recover from such mahál;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

B. 205: Settlement Code, p. 26, para. 43.

Lambardárs may recover fees and other charges from proprietors.

140. Lambardárs and sub-lambardárs may recover from the proprietors whom they represent along with the land-revenue—

(*a*) any remuneration to which they are entitled;

(*b*) the sum which, under section one hundred and thirty-nine, they are bound to pay to mukaddams;

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

B. 168.

Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

141. On the application of any málik-makbúzá or other like holder of land or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, direct that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid direct into the Government treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made direct into the treasury, such portion of percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be paid to the Government; and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of fees to mukaddams and other village-expenses.

Duties of mukaddams.

142. It shall be the duty of every mukaddam— B. 206: No. 1, ¶¶ 35 *et seq.*: No. 2, ¶¶ 60-62.

(*a*) to control and superintend the village-patwári and watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of the village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to prevent or report encroachments on public paths and roadways;

(*d*) to preserve such stations and marks erected by any Government-surveyor as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report the deaths of all persons holding lands wholly or partially free from revenue and of Government-pensioners;

(*g*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands; and for securing to persons entitled to cut wood, and enjoy other privileges in the waste-lands of the village, the rights to which they are entitled;

(*h*) to collect, or aid in the collection of, all Government taxes and dues.

The Chief Commissioner may, from time to time, make rules—

(1) varying or adding to the list of duties which a mukaddam is required to perform under this section; and B. 207.

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*), in respect of such village and for apportioning such charges among such persons.

Liabilities imposed by law on landholders to attach to mukaddams.

143. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act: B. 206.

Provided that nothing herein contained shall discharge landholders, their managers or agents or the like from any liabilities imposed upon them by law. No. 3, ¶ 24.

Power to mukaddams to recover certain expenses incurred.

144. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties. B. 208.

Chief Commissioner may make rules as to patwáris.

145. The Chief Commissioner may, from time to time, make rules— B. 208: Act XXXIII of 1871, s. 6.

(*a*) regulating the manner in which patwáris are to be selected; prescribing the conditions under which they may be appointed, and fixing the limits of their circles, and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwári, when they are unable to act themselves;

(*c*) prescribing the fines which may be imposed on patwáris and their substitutes for neglect of their duty, and stating the circumstances under which they may be dismissed:

Provided that, except in the case hereinafter mentioned, no proprietor shall be compelled to pay as remuneration to patwáris a sum exceeding six per cent. on the revenue assessed on his land, or which, when his land is revenue-free, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

B. 209: Act XXXIII of 1871, s. 6.

In framing rules regard to be had to hereditary claims, &c.

146. In making rules under section one hundred and forty-five, the Chief Commissioner shall have regard to conditions and customs recorded in administration-papers and to hereditary claims to the office of patwáris; but in no case shall such conditions or customs or claims be deemed to require the appointment of any patwári who would otherwise be ineligible for appointment or to prevent the dismissal of any patwári who would otherwise be liable to dismissal.

B. 210.

Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

147. The Chief Commissioner may from time to time make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of the last preceding settlement, the maintenance of a patwári was made optional, and the persons settled with are unable to agree as to whether a patwári should be maintained, and for dealing with cases where no patwári is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwári.

Such rules may empower the Deputy Commissioner in the latter class of cases—

(*a*) to impose fines on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwáris in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwáris.

B. 211.

Chief Commissioner may define duties of patwáris.

148. The Chief Commissioner may, from time to time, make rules prescribing the duties of patwáris—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

(*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwáris may demand in respect of the performance of such duties.. No. 1, ¶ 38.

Patwáris' papers to be public documents.

All records and documents which patwáris are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents and to be the property of Government.

Patwáris to produce papers for inspection, and to deliver them to persons entitled.

149. Patwáris shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep. B. 212: Act XVIII of 1873, s. 95 (*b*).

Existing officers confirmed.

150. All existing lambardárs, sub-lambardárs, mukaddams and patwáris shall, unless the Chief Commissioner otherwise directs, be deemed to have been appointed under this Act. Any sums which officers of these classes are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

151. In each village of the district of Sambalpúr all persons, other than mukaddams, holding sír-land are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may, from time to time, make rules for the enforcement of this obligation. B. 164.

PART V.

CHAPTER XIII.

MISCELLANEOUS.

Exclusive jurisdiction of Revenue-authorities in matters under this Act.

152. Except as otherwise hereinbefore provided,—

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement-officer is, by this Act, empowered to determine or dispose of; and B. 170: Ajmer Land and Revenue Regulation, section 119.

(*b*) everything done, ordered or decided under this Act by the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer shall be deemed to have been duly done, ordered or decided.

Proceedings under this Act not to be impeached.

For what village-cesses suit lies.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village cess which has not been recorded at a settlement, or declared to be leviable under section one hundred and thirty-three (*h*) and sanctioned by the Chief Commissioner. Act XIII of 1879, s. [illegible]

Limitation of claims for compensation in case of waste-land demarcated as property of Government.

154. When, at any settlement made prior to the passing of this Act, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation. B. 129.

B. 158: Act XIX of 1873, s. 141.

Obligations of owners as to boundary-marks.

155. All persons in possession as proprietors, mortgagees or farmers of any land are bound to maintain and keep in repair at their own cost the boundary-marks lawfully erected thereon.

B. 257: Bombay Land-revenue Code, section 94.

Restriction on Revenue and Settlement-officers trading and holding land.

156 No Revenue or Settlement-officer, and no person employed in any Revenue or Settlement-office, shall, except with the express permission of the Chief Commissioner,—

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, or in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section, in the case of any specified class of officers.

B. 184: Act XIX of 1873, ss. 161, 162.

Upon proclamation under section 99 or 104, all sums due as rent or otherwise become payable to Deputy Commissioner.

157. When either of the proclamations mentioned in sections ninety-nine and one hundred and four has been made, and when any land or share is managed or let in farm under section fifty-eight, all sums due to the proprietor in respect of such land or share shall be payable to the Deputy Commissioner, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner, be credited to the person making the same in account with the Deputy Commissioner, or his agent or lessee.

Payment to proprietor in anticipation of due date.

B. 185: Act XIX of 1873, s. 163.

Recovery of sums payable to Deputy Commissioner or his agent.

158. All sums which, under section one hundred and fifty-seven, become payable to the Deputy Commissioner or his agent may be recovered as if they were arrears of revenue payable directly to Government.

B. 186: Act XVII of 1876, s. 127.

Recovery of balances due by farmers.

159. When any land has been let in farm under section fifty-eight or one hundred and four, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of revenue due when Act comes into force.

And of money payable under Act.

160. All land-revenue due at the time this Act comes into force, and all money payable to the Government under this Act, shall be recovered from the persons from whom it is due and from their sureties (if any) as if it were an arrear of revenue due under this Act by such persons and their sureties.

Past proceedings for collection of revenue legalised.

161. All proceedings taken before this Act comes into force for the collection of the land-revenue, or the realization of arrears thereof, shall, in so far as they would have been substantially legal if this Act had been in force, be deemed to have been duly taken.

Chief Commissioner may empower persons by name, or confer powers on classes.

162. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may vary or cancel order.

163. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may make rules and attach penalty to breach thereof.

164. The Chief Commissioner may, with the sanction of the Governor General in Council, make rules for carrying out the provisions of this Act in matters not otherwise provided for, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or when such breach is a continuing breach, to fifty rupees for each day during which such breach continues. B. 262.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the official Gazette.

All such rules, when so published, shall, in so far as they are consistent with this Act, have the force of law.

SCHEDULE I.

(*See section* 34.)

	Description of suits.
1	Suits for arrears of rent due on account of any rights of pasturage, forest-rights, fisheries or the like, not being suits for arrears under the Central Provinces Tenancy Act, 1880.
2	Suits by lambardárs, for arrears of Government-revenue payable through them by the proprietors whom they represent.
3	Suits by proprietors, for their share of the profits of an estate or any part thereof after payment of the Government-revenue and village-expenses, or for a settlement of accounts.
4	Suits by máfidárs or assignees of Government revenue for arrears of revenue owing to them as such máfidárs or assignees.
5	Suits by superior proprietors for arrears of revenue due to them as such superior proprietors.
6	Suits by zamíndárs and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents, or against the trustees of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession.

SCHEDULE II.

(*See section* 2.)

ENACTMENTS REPEALED.

Number and year of Regulation, order, &c.	Title.	Extent of repeal.
Act XII of 1841.	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces and Bengal.	The whole.
Act XXXI of 1858.	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

STATEMENT OF OBJECTS AND REASONS.

1. The Land-revenue Administration of the Central Provinces as at this moment carried on rests on an insufficient legal basis. Throughout a considerable portion of the country there is little or no law regarding the settlement and collection of the revenue beyond that which may be considered to be established by ancient usage. In some parts it is doubtful how far any written law applies, and elsewhere the only law is either the "spirit" of certain old Regulations of the Bengal Code, or half-forgotten rules which owe their binding force to the Indian Councils' Act.

2. No inconvenience in practice was felt from this state of things in the earlier days of our rule, when the people scarcely realized the possibility of their having any rights as against their rulers; but of late years the diffusion of legal ideas has placed the landholders and the Government more at arm's-length; the old state of things has shown clear signs of giving way; and the want of a definite system of revenue law, such as exists in all the other settled Provinces of the empire, has come to be felt.

3. To supply this want the present Bill has been prepared. It follows the main lines of the similar laws in force in the North-Western Provinces and elsewhere, except that it is confined as closely as possible to the subject of the land-revenue administration, strictly so called, to the exclusion of certain subjects, such as partition and Courts of wards, which it has been the practice in other Provinces to include in Land-revenue Acts.

It seems unnecessary here to enter into any description of its provisions in so far as they are borrowed from Acts like the North-Western Provinces and Oudh Land-revenue Acts, which have been passed so recently and after so much discussion; and the following remarks will accordingly be confined to such of the leading points of the Bill as are in some sense novel, or otherwise appear to require special notice.

4. It will be observed that the repealing clause (section 2) has been drawn so as to fit in with the similar clause in the Central Provinces Laws Act of 1875, and to sweep away the indefinite mass of old rules and regulations relating to the settlement and collection of the land-revenue which were saved by it; and, as any remnant of these old rules and regulations would, if kept alive, be apt to escape notice and perhaps ultimately lead to complication and difficulty, the clause which is commonly inserted in such Bills, maintaining existing rules in so far as they are consistent with the new law, has been omitted. It is believed that this omission will give rise to no difficulty, as it will rest with the Government to fix the date on which the Act will come into operation, and that date need not be fixed until all rules which it is necessary to make under the Act are ready for issue.

5. Chapter II, relating to Revenue-officers, their powers and procedure, it will be seen, contains no such detailed rules of procedure as are to be found in the North-Western Provinces Act. Most of the Revenue-officers in the Central Provinces preside over Civil Courts, and all have had more or less experience in working under the Code of Civil Procedure. The provisions of that Code, though copious, are simple and untechnical, and it accordingly seems the most convenient course to adopt it as a basis for the procedure of Revenue-officers, as has been done in sections 15(*a*) and 19 of the Bill, power being given to the Chief Commissioner to modify and supplement its provisions as he may think necessary.

6. In section 34 the Panjáb system of empowering the Local Government to invest Settlement-officers with the powers of Civil Courts for the disposal of suits relating to land has been followed, but the ultimate appeal in such suits will lie to the Judicial Commissioner.

7. Section 49, following the principle which it is believed has, from a remote period, been recognized throughout India, and which will be found embodied in the preamble to Regulation XXXVII of 1793 and elsewhere in the Bengal Code, declares that all land, with certain definite exceptions, is liable to be assessed to land-revenue. An express provision of this sort seems desirable in the Central Provinces, where a question has been recently raised as to whether land would not become exempt by being occupied for habitations. There is of course no general intention of assessing the lands in towns or old village-sites. They will be ordinarily excluded from assessment under the power conferred by section 44; but it is obviously desirable that, where lands at present cultivated and assessed are built upon, and yield, as they probably would, a larger profit to their owners than before, they should still remain liable to assessment.

8. In sections 78 and 88 an attempt is made to specify the acts and decisions of a Settlement-officer which may be called in question in a Civil Court, all other such acts and decisions being by section 159 protected from being so challenged; and as, when a matter is liable to be taken in the last resort before a Civil Court, it would be waste of time for the Settlement-officer to enter upon any very elaborate inquiry regarding it, section 78 provides that the investigation in the cases to which it refers shall be a summary one, the Settlement-officer being required to make only such inquiry as he thinks fit, and not being *bound* to hear any party concerned or receive any evidence tendered.

9. Sections 88 and 89 deal with cases in which, at settlements made before the passing of the Act, the proprietary right in land has been awarded by a Settlement-officer to some person on the ground that he was the person who, of all others, had the interest in the land most nearly approaching to ownership. They provide that no person whose claims to such land were considered and rejected by the Settlement-officer shall be permitted to impeach his award; but that any one whose claim was not so considered may institute a suit to establish it; and that, if he can prove that he was entitled to an interest in the land similar to that in consideration of which the proprietary right was awarded, the Court may declare him to be a proprietor.

10. Section 108 states, somewhat differently from the Land-revenue Acts at present in force, the nature of the estate taken by a purchaser of land sold for arrears of revenue due upon it. The interest taken by such a purchaser is described to be "the full proprietorship, or superior or inferior proprietorship, as the case may be, free from all liens, leases and incumbrances," &c.; but among other matters saved by the clause which follows are "the rights of any proprietor "superior or inferior to the defaulters, or of any málik-makbúzá or occupancy-tenant, who does not "derive his rights as such from express contract with such defaulters or any person through "whom they claim."

11. Section 116, following and enlarging upon section 158 of the Oudh Land-revenue Act, 1876, provides that any lambardár entitled to recover an arrear of Government revenue, or any málguzár entitled to recover an arrear due under a sub-settlement, may, instead of instituting a suit to recover such arrear, apply to the Deputy Commissioner to recover it on his behalf by any of the processes provided by the Act for the recovery of revenue on behalf of the Government. It will be in the discretion of the Deputy Commissioner to comply with such application or not as he thinks fit, and he will probably comply with it, as a rule, in cases where the applicant has done his best to collect the arrear, and undue trouble and expense would be caused to him by instituting a suit to recover it.

12. Section 117 deals somewhat differently from the North-Western Provinces Act with the important question of the right of the málguzárs to resume revenue-free grants made by them or their predecessors in interest. It is quite conceivable that an improvident proprietor might by such grants alienate so much of the revenue which he was entitled to collect as to put it beyond his power in a bad year to meet the demands of the Government against him. The Government revenue might, no doubt, ultimately be secured by the sale of the mahál, but it is obviously desirable to devise some means of avoiding so trenchant a process.

There would be a difficulty about refusing to recognize grants heretofore made perhaps for a valuable consideration; but it is believed that such grants are not very numerous in the Central Provinces, and may safely be left to their operation. As regards grants made after the Bill becomes law, there need be no hesitation in declaring them voidable, and this is in effect what the Bill does.

13. Section 119 of the Bill follows the 148th section of the North-Western Provinces Act in providing that no interest shall be charged on an arrear of Government revenue, but it allows a Court to award interest on an arrear of revenue due under a sub-settlement.

14. Section 123, which empowers the Chief Commissioner to direct that any rule, custom or condition entered in a Record-of-rights shall be enforced by fine, is new. It is believed that it will be found useful in many cases where the persons for whose benefit a provision of a Record-of-rights is intended might, owing to their not being parties to such record, or for some other reason, not be in a position to enforce it, or where, in order to enforce such a provision by a suit, it would be necessary to join, perhaps, all the inhabitants of a village as parties.

15. Section 137 is the only section of the Bill dealing with partition, and it is confined to the only species of partition which it is conceived can properly find a place in a Land-revenue Act, namely, the separation into two separate mahále of two portions of a mahál which are held in severalty.

When two parties in a mahál, holding their lands in common, desire to sever their joint and several liability for the revenue, they must, under the Bill, as under the law at present in force in the North-Western Provinces and elsewhere, first obtain a partition of their lands; but this partition is a matter with which the Revenue-administration has no direct concern. It might be, and sometimes is, sought like a partition of house-property or any other property, without any view to the dissolution of the joint and several liability to Government, and, accordingly, though it is intended that partitions of revenue-paying land should continue to be effected as heretofore through the Revenue-officers, as the authorities best qualified to undertake such an operation, it has been determined to relegate these partitions to a separate Bill, which it is hoped will shortly be placed before the Council, and to deal in the present Bill only with dissolution of the joint and several obligations of the málguzárs.

16. The office of mukaddam, which the 12th chapter of the Bill proposes to establish, is in most districts of the Central Provinces somewhat of a novelty. Up to the period of the recent settlements, villages in the Central Provinces were ordinarily held by a single málguzár or farmer, with whom the Government could deal on behalf of the village; but now, as Mr. Jones has observed, "the zamíndárí tenure with its single head will yearly give way to the pattidárí with its several heads," and the responsibility for the performance of the many duties incumbent on a village headman will thus become inconveniently split up. Moreover, in some districts large tracts of country are bought up by town-capitalists, and thus many villages are left without a responsible head at all. To remedy this, the Bill provides for the appointment for each village of a single representative headman (called a "mukaddam"), to whom the Government can look for the performance of the important duties which the custom of the country attaches to the land, and to whom the community can refer as a head when united action is required of it. When there are resident lambardárs, the person appointed to the office of mukaddam would ordinarily, but not necessarily, be one of them.

C. GRANT.

The 6th July, 1880.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd July, 1880, and was referred to a Select Committee:—

No. 12 of 1880.

THE PETROLEUM BILL, 1880.

CONTENTS.

PREAMBLE.

Preliminary.

SECTIONS.

1. Short title.
Commencement.
Local extent.
2. Repeal of enactments.
3. Interpretation-clause.

First class and second class Petroleum.

4. Power to make rules as to the importation of first and second class petroleum.
5. Possession and transport of first and second class petroleum.
6. Power to make rules as to such possession and transport.

Dangerous Petroleum.

7. Dangerous petroleum in quantities exceeding 40 gallons.
Application for license to import, transport or possess such petroleum.
Power to grant license.
8. Dangerous petroleum in quantities not exceeding 40 gallons.
9. Application of sections 4 and 6.

Petroleum generally.

10. Vessels containing petroleum to be marked.
11. Power to inspect and require dealer to sell samples.
12. Notice to be given when officer proposes to test samples.
13. Certificate as to result of such testing.

Penalties.

14. Penalty for illegal importation, &c., of petroleum.
15. Penalty for keeping, &c., petroleum in contravention of section 10.
16. Penalty for refusing to comply with section 11.
17. Confiscation of petroleum.

Miscellaneous.

18. Rules when to have force of law.
19. Power to extend this Act to other substances.

THE SCHEDULE.

A Bill to regulate the importation, possession and transport of Petroleum and other substances of a like nature.

Preamble.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other substances of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Petroleum Act, 1880";

Commencement.

and it shall come into force on the first day of January, 1881. Committee's recommendations, para. 1.

Local extent.

The provisions of this Act relating to—

(*a*) dangerous petroleum, and

(*b*) the importation of first class and second class petroleum,

extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments.

2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in ports, and to provide for the safe keeping of inflammable oils in ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

Interpretation-clause.

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

"Petroleum."

"Petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum. 34 & 35 Vic., c. 105, s. 3, with additions from Committee's report.

But does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer. Committee's recommendations, para. 3.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed. Committee's recommendations, para. 4.

"First class petroleum."

"First class petroleum" means petroleum having its flashing point at or above one hundred and three degrees of Fahrenheit's thermometer; Committee's recommendations, para. 6.

"Second class petroleum."

"Second class petroleum" means petroleum having its flashing point at or above eighty-three, but below one hundred and three, degrees of Fahrenheit's thermometer:

"Dangerous petroleum."

"Dangerous petroleum" means petroleum having its flashing point below eighty-three degrees of Fahrenheit's thermometer:

"Import."

"Import" means to bring into British India by sea or land:

and "importation" means the bringing into British India as aforesaid.

"Transport."

"Transport" means to remove from one place to another within British India:

"Ship."

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

"Master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship:

"Master."

"Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a Magistrate of the first class or (when specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class: and

"Magistrate."

"Owner" includes also any agent to whom a ship is consigned.

"Owner."

First class and second class Petroleum.

Committee's recommendations, paras. 12. to 20.

Power to make rules as to the importation of first and second class petroleum.

4. The Local Government may, from time to time, make rules to regulate the importation of first class petroleum and second class petroleum; and in particular—

(*a*) for ascertaining the quantity and description of any such petroleum on board a ship.

(*b*) to provide for the delivery by the master of a ship of samples of such petroleum and for the testing thereof before such petroleum is landed from such ship;

(*c*) to determine the places at which only such petroleum may be landed; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any such petroleum.

Possession and transport of first and second class petroleum.

5. No quantity of first class petroleum exceeding five hundred gallons, and

no quantity of second class petroleum exceeding forty gallons,

shall be kept by any one person or on the same premises or shall be transported except under and in accordance with the conditions of a license granted under this Act.

Power to make rules as to such possession and transport.

6. The Local Government may from time to time make rules as to the granting of licenses to possess or transport first and second class petroleum in cases where such licenses are by law required.

Such rules may provide for the following among other matters, that is to say:—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of licensed premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which such petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*j*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

7. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Application for license to import, transport or possess such petroleum.

Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

Power to grant license.

If the Local Government sees reason to believe that such petroleum will be used for such purpose and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding 40 gallons.

8. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

34 & 35 Vic., c. 105, s. 8.

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises or transported does not exceed three gallons and such petroleum is placed in separate glass, earthenware or metal vessels each of which contains not more than a pint and is securely stopped.

Applications of sections 4 and 6.

9. Except as hereinbefore provided, the provisions contained in sections four and six in respect of first and second class petroleum shall apply also to dangerous petroleum.

Petroleum generally.

Vessels containing petroleum to be marked.

10. All petroleum— 34 & 35 Vic., c. 105, s. 6.

(*a*) which is kept at any place after seven days from the date on which it is imported,

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or label in conspicuous characters, stating what description of petroleum herein specified the same is. Cf. Act I of 1878, s. 9.

Power to inspect and require dealer to sell samples.

11. Any officer specially authorized in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same and to deliver to him samples 34 & 35 Vic., c. 105, s. 11.

of such petroleum on payment of the value of such samples.

34 & 35 Vic., c. 105, s. 11.

Notice to be given when officer proposes to test samples.

12. When any such officer has, in exercise of the powers conferred by section eleven, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the Schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his Agent may be present at such testing.

Ibid.

Certificate as to result of such testing.

13. On any such testing, if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is first class, second class or dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found; and shall be *primâ facie* proof of the fact stated therein.

Penalties.

Penalty for illegal importation, &c., of petroleum.

14. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

34 & 35 Vic., c. 105, s. 63.

Penalty for keeping, transporting or exposing for sale petroleum in contravention of section 10.

15. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked as prescribed by section ten shall be punished with fine which may extend to fifty rupees.

34 & 35 Vic., c. 105, s. 12.

Penalty for refusing to comply with section 11.

16. Any dealer in petroleum who refuses or neglects to shew to any officer authorized under section eleven any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

Cf. Act I of 1878, s. 11.

Confiscation of petroleum.

17. In any case in which an offence under section fourteen or section fifteen has been committed, the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting, or is in possession of,

shall be confiscated.

Miscellaneous.

Rules when to have force of law.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall thereupon, so far as they are consistent with this Act, have the force of law:

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

Power to extend this Act to other substances.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, extend the whole or any portion of this Act to any inflammable substance other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections five, seven and eight, the quantities of such substance to which these sections shall apply. 34 & 35 Vic., c. 105, s. 14.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

The following is a description of the details of the apparatus:— Committee's recommendations, para. 5, and 42 & 43 Vic., c. 47.

The oil cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top and $1\frac{1}{8}$″ from the bottom of the cup. It is made of gun metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{8}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted, that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are

soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the bath, in such a manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about ⅜", that is, its diameter is about ⅝" greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath of the oil lamp is 1½". A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is 6½". One of the three legs of the stand serves as support for the spirit lamp, attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1".

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about 3½" measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb 2¼".

NOTE.—A model apparatus is deposited at the office of the Master of the Mint, Calcutta.

Directions for applying the Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of 1½ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

STATEMENT OF OBJECTS AND REASONS.

FOR some time past the dangerous nature of the inflammable oils which are being imported into this country has been engaging the attention of Government. In November, 1878, the notice of the Government of India was first drawn to the subject by the Government of Bombay, with a view, if necessary, to legislation being resorted to to check the importation of dangerous oils. On a reference being made to the Government of Bengal as to the expediency of such legislation, it was found that the subject had already been for some time before that Government, and that a Committee had been appointed for the purpose of considering the question of these oils in all its bearings. This Committee, which was composed of officials, experts and gentlemen interested in the trade, has presented its report, in which it strongly urges the necessity for legislation, and puts forward certain recommendations as to the lines on which in its opinion such legislation should proceed.

2. These recommendations follow, with certain modifications, introduced to meet the special circumstances, climatic and otherwise, of India, the outlines of 34 & 35 Vic., cap. 105 (since amended by 42 & 43 Vic., cap. 47), which is the principal Act governing this subject in the United Kingdom. They appear well adapted to carry out the object which the Committee had in view, namely, practical security of life and property, with the minimum of restrictions on an important and rapidly developing trade.

3. The following is the general substance of the conclusions of the Committee:—

1*st*.—All petroleum should be divided into three classes, namely,—

(*a*) first class petroleum with a flashing point at or above 103° F.;
(*b*) second class petroleum with a flashing point between 83° and 103° F.;
(*c*) dangerous petroleum with a flashing point below 83° F.
} According to Abel's close test.

2*ndly*.—All petroleum should be tested by Abel's close test, which has recently been adopted in the United Kingdom (see 42 & 43 Vic., cap. 47, the Petroleum Act, 1879), for the purposes of the Petroleum Act, 1871, in preference to the old or open test which was fixed by that Act.

3*rdly*.—As second class petroleum flashes only at a temperature of 83°, or 10° higher than the temperature (73°) at which petroleum is considered safe enough to be exempted from the provisions of the English Petroleum Act (see 42 & 43 Vic., Cap. 47), and may therefore be regarded as at all events fairly safe, the importation, storage and transport of such petroleum, as well as of first class petroleum, should be left reasonably free, while the importation, storage and transport of dangerous petroleum, if not actually prohibited, should be subjected to such severe restrictions as practically to be so for purposes of ordinary use.

4. The Government of India has considered this report, and is disposed to concur generally in its conclusions and in the scheme of legislation contained in the Committee's recommendations. As the Government of Madras and the Chief Commissioner of Burma, as well as the Governments of Bombay and Bengal, are in favour of legislation, the Government of India is willing to accept the recommendation of the Committee that the legislation to be undertaken should be in the Council of the Governor General, and accordingly the present Bill, which embodies generally the recommendations of the Committee, has been prepared.

5. As it seems desirable to check at once, and generally, the trade in dangerous petroleum (and it would be unfair if all ports were not put on the same footing as to the importation of first class and second class petroleum), the provisions of the Bill relating to dangerous petroleum and the importation of first class and second class petroleum are made to extend to the whole of India; but its other provisions are only applicable at the discretion of the Local Government.

The details of the measure have been left in a great measure to rules to be framed by the Local Government, with the sanction of the Governor General in Council, as this seems the most convenient course in a case of this sort, where the local circumstances and peculiar features of the trade of various places have to be considered.

6. A section has been added to the Bill corresponding with section 14 of 34 & 35 Vic., cap. 105, enabling the Governor General in Council hereafter to extend the Act to substances other than petroleum, and to adapt certain of the provisions of the Act to the case of such substances.

7. The length of the pendulum which was by an oversight omitted from the description of Professor Abel's test in the first schedule to the 42 & 43 Vic., cap. 47, has been inserted in a foot-note to the schedule of the Bill on information furnished by Mr. Redler.

8. The opportunity has been taken to repeal the thirty-seventh section of the Indian Ports Act relating to inflammable oils, and Bengal Act No. III of 1865, which regulates in Calcutta and Howrah the importation and storage of inflammable oils, as the present Bill will make those enactments unnecessary.

WHITLEY STOKES.

The 3rd July, 1880.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 7, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd July, 1880, and was on the 23rd July, 1880, referred to a Select Committee :—

No. 11 of 1880.

THE CENTRAL PROVINCES LAND-REVENUE BILL, 1880.

CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Enactments repealed.
3. Pending proceedings brought under Act.
4. Interpretation-clause.

PART II.

CHAPTER II.

REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

5. Chief Controlling Revenue-authority.
6. Revenue-officers.
7. Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.
8. Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

SECTIONS.

9. Persons holding office when Act comes into force.
10. Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.
11. Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.
12. Officers transferred to retain powers with which they were invested.
13. Provision for discharge of duties of Deputy Commissioner dying or being disabled.
14. Chief Commissioner may alter boundaries of tahsíl.
15. Power to make rules—
    conferring certain powers;
    determining by whom cases to be disposed of.
16. Power of Deputy Commissioner to distribute work.
17. Power of superior Revenue-authorities to withdraw and transfer cases.
18. Power of Revenue-officers to enter on lands, &c.
19. Power to make rules to regulate procedure.
20. Persons by whom appearances and application may be made before and to Revenue-officers.
    Obligation of parties to attend in person.
21. Legal practitioner's or agent's fees not allowed, unless for special reasons.
22. Appeals.
23. Limitation of appeals.
24. Powers of revision of Commissioner and Deputy Commissioner.
25. Powers of revision of Chief Commissioner.
26. Review of orders.

PART III.

OF SETTLEMENT.

CHAPTER III.

PRELIMINARY.

27. Notification of revenue-survey.
    Effect thereof.

SECTIONS.
28. Notification of settlement.
Power to amend notification.
29. Power to appoint Settlement-officers; and to suspend and remove them.
30. Power to enter on and survey land.
31. Settlement-officer may be invested with powers of a Deputy Commissioner.
32. Certain provisions of chapter II applied to Settlement-officers.
33. Appointment of Settlement-Commissioner. Delegation to him of Chief Commissioner's powers.
34. Power to invest Settlement-officers with Civil Court powers.
35. Appeals in suits heard under section 34.
36. Other appeals in local area under settlement.
37. Division of civil work between Settlement-officers and ordinary Courts.
38. Appeal, reference and revision.
39. Duration of settlement-operations.
Cases pending at close of settlement-operations.

CHAPTER IV.
OF DEMARCATION.
Unowned Lands.
40. Settlement-officer to invite claims to lands appearing to have no owner.
41. Application of Act XXIII of 1863.
42. Procedure when limited right over land established.
Maháls.
43. Power to form maháls.
Excluded Lands.
44. Settlement-officer may exclude portions of mahál from settlement-operations.
Boundary-marks and Maps.
45. Erection of new, and repair of existing boundary-marks.
46. Preparation of maps.

CHAPTER V.
OF THE ASSESSMENT OF LAND-REVENUE.
47. Separate sum to be assessed on every mahál.
Progressive assessments.
48. Matters as to which Chief Commissioner is to instruct Settlement-officer.
49. What land taken into account in assessing mahál.
50. Settlement with whom to be made.
51. Sub-settlement to be made with inferior proprietors when settlement is made with superior.
52. What inferior proprietors are to pay when settlement is made with them.
53. Power to issue rules for reporting assessment for sanction.
54. Offers of assessment to be announced subject to revision and confirmation.
55. Option to accept or refuse assessment.
Mode of acceptance.
56. Proprietor not attending may be deemed to have accepted.
57. Effect of acceptance of assessment.
Assessment may be rescinded by Chief Commissioner;
or by Governor General in Council.
Malguzár may object to continuance of assessment beyond term of settlement.
Saving of right to partition mahál.
58. Procedure when assessment is declined.

SECTIONS.
59. Procedure when only some proprietors accept assessment.
60. Procedure on refusal of assessment in village in which superior and inferior rights exist.
61. Procedure on refusal of sub-settlement by inferior proprietors.
62. Allowance to excluded proprietors.
63. Excluded proprietors to have occupancy-rights in their sír-land.
64. Sub-settlement with Málik-makbúzás and other like proprietors.
65. Revenue payable under sub-settlement to be first charge on land.

CHAPTER VI.
OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.
66. Settlement-officer to ascertain proprietors.
67. To determine extent of sír-land.
68. To decide disputes among shareholders regarding management of village.
69. To distribute assessment over lands held in severalty.
70. To determine through what lambardárs revenue shall be paid.
71. To determine status and rents of tenants.
72. To re-distribute land according to custom.
73. Enquiry into claims to hold revenue-free as against Government.
Power of Chief Commissioner to issue rules.
74. Inquiry as to claims to hold revenue-free as against malguzár.
75. Time from which claims under sections 73 and 74 take effect.
Chief Commissioner may prescribe rules for disposal of such cases.
76. Settlement-officer to decide what village-cesses are leviable.
77. To determine certain disputes.
78. Procedure in cases under sections 66, 67, 68, 71 and 77 (*b*), (*c*) and (*d*).
79. Record-of-rights.
80. Chief Commissioner may make rules regarding Record-of-rights.
81. Record-of-rights to be made over to Deputy Commissioner.
82. Effect of entries in Record-of-rights.
83. Suits to contest certain settlement decisions or entries.
84. Revision of Record-of-rights by Chief Commissioner.
85. Proceedings regarding lands the property of Government.

CHAPTER VII.
OF PROVINCIAL CESSES.
86. Assessment of provincial cesses.

CHAPTER VIII.
OF SETTLEMENTS MADE BEFORE THE PASSING OF THIS ACT.
87. Former settlements deemed to have been made under Act.
88. Effect of awards of proprietary-right at such settlements.
89. When suits for proprietary-right will lie in Civil Courts.
90. Chief Commissioner may allot waste-land to málik-makbúzás entitled thereto.

SECTIONS.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER IX.
OF THE COLLECTION OF LAND-REVENUE.
91. Power of Chief Commissioner to regulate payment of land-revenue.
92. "Arrear."
"Defaulters."
Of the Realization of Government Revenue from Malguzárs.
93. Tahsíldár's statement of account to be conclusive evidence of arrear.
94. Notice of demand.
95. Processes for recovery of arrears.
96. Arrest and imprisonment for recovery of arrear.
97. Imprisonment of defaulter in civil jail.
98. Procedure in sales of moveable property.
99. Management of share or pattí attached under section 95, clause (*c*).
100. Effect of attachment.
101. Profits of land how applied.
102. Attachment when to cease.
103. Transfer under section 95 (*d*).
Joint and several liability not affected by transfer.
104. Procedure after receipt of sanction to annulment of settlement.
105. Settlement on expiry of farm or management.
106. Case of a portion of a mahál being farmed or managed.
107. Saving of rights in sír-land.
108. Nature of estate taken by purchaser of land sold for arrears due thereon.
109. Rules for sale of immoveable property.
110. Pre-emption at sales.
111. Application of proceeds of sale of immoveable property.
112. Costs recoverable as part of arrear.
113. Matters as to which Chief Commissioner may make rules.
114. Remedies open to person denying that sum demanded as an arrear is due.
Of the Realization of Revenue by Malguzárs.
115. Limitation of right to set-off, &c., in suit for arrears.
116. Recovery of arrear through Deputy Commissioner instead of by suit.
117. Saving of right of proprietor to demand revenue of land assessed to revenue and held free.
118. Limitation in suits for revenue.
Interest on Arrears.
119. Interest on arrears.

CHAPTER X.
OF THE MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS.
120. Correction of Record-of-rights.
121. Revision of record in accordance with provision therein contained.
122. Powers of Deputy Commissioner as to correction or revision of record.
123. Power to direct that rule or custom entered in Record-of-rights shall be enforced by Government.
Punishment of violation of such rule or custom.
124. Powers of Chief Commissioner as to registration of changes after preparation of Record-of-rights.

SECTIONS.
125. Possession of proprietary-rights to be notified.
126. Fine for neglect to give notice of possession.
127. Obligation to aid in preparation of village-papers.
128. Fees for mutations.
129. From whom leviable.
130. Annual enquiry regarding revenue-free holdings.
Procedure on expiry of term of grant.
131. Procedure on breach of condition of release.
132. Inspection of revenue-records.

CHAPTER XI.
OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.
133. Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.
134. Purposes for which officers may be invested with Settlement-officer's powers.
135. Cognizance of, and penalty for, offence of injuring boundary-marks.
136. Procedure when person injuring cannot be found.
137. Partition of a mahál into two maháls.

CHAPTER XII.
VILLAGE-OFFICERS AND PATWÁRÍS.
138. Power to make rules as to officers.
139. Duties of lambardárs.
140. Lambardárs may recover fees and other charges from proprietors.
141. Deputy Commissioner may alter channel through which malik-makbúzá pays revenue.
Effect of order for payment of revenue direct to Government.
142. Duties of mukaddams.
143. Liabilities imposed by law on land-holders to attach to mukaddams.
144. Power to mukaddams to recover certain expenses incurred.
145. Chief Commissioner may make rules as to patwárís.
146. In framing rules regard to be had to hereditary claims, &c.
147. Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.
148. Chief Commissioner may define duties of patwárís.
Patwárís' papers to be public documents.
149. Patwárís to produce papers for inspection, and to deliver them to persons entitled.
150. Existing officers confirmed.
151. Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams.

PART V.

CHAPTER XIII.
MISCELLANEOUS.
152. Exclusive jurisdiction of Revenue-authorities in matters under this Act.
Proceedings under this Act not to be impeached.
153. For what village-cesses suit lies.
154. Limitation of claims for compensation in case of waste-land demarcated as property of Government.

SECTIONS.

155. Obligations of owners as to boundary-marks.
156. Restriction on Revenue and Settlement-officers trading and holding land.
157. Upon proclamation under section 99 or 104, all sums due as rent or otherwise become payable to Deputy Commissioner.
Payment to proprietor in anticipation of due date.
158. Recovery of sums payable to Deputy Commissioner or his agent.
159. Recovery of balances due by farmers.
160. Recovery of revenue due when Act comes into force and of money payable under Act.
161. Past proceedings for collection of revenue legalized.
162. Chief Commissioner may empower persons by name, or confer powers on classes.
163. Chief Commissioner may vary or cancel order.
164. Chief Commissioner may make rules, and attach penalty to breach thereof.
SCHEDULE I.
SCHEDULE II—ENACTMENTS REPEALED.

Abbreviations used in the margin.

Nos. 1, 2 and 3 refer to the papers relating to the Bill.

B. 1, B. 2, &c., refer to the sections of an amended draft of Mr. Jones' Bill prepared by Mr. F. Cockerell.

A Bill to consolidate and amend the law relating to Land-revenue and the powers of Revenue-officers in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Land-revenue and to the powers of Revenue-officers in the Central Provinces; It is hereby enacted as follows:—

PART I.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Land-revenue Act, 1880":

B. 1. Local extent.

It extends to all the territories for the time being under the administration of the Chief Commissioner of the Central Provinces, except those specified in Part VI of the first schedule of the Scheduled Districts Act, 1874;

Commencement.

and it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may appoint in this behalf.

B. 2. Cf. Act XX of 1875, s. 2, proviso. Enactments repealed.

2. The enactments mentioned in the second schedule hereto annexed, and all rules, regulations and enactments relating to the settlement and collection of the land-revenue, are repealed.

B. 3. Pending proceedings brought under Act.

3. All proceedings relating to matters dealt with by this Act, and pending at the time this Act comes into force before officers by whom they would be cognizable under this Act, shall be deemed, so far as may be, to have been commenced hereunder.

B. 4. Interpretation-clause.

4. In this Act, unless there is something repugnant in the subject or context, the following words and phrases shall be construed as next hereinafter provided, that is to say,—

"Assistant Commissioner." (1) "Assistant Commissioner" includes Extra Assistant Commissioner:

"Legal Practitioner." (2) "Legal Practitioner" means an advocate, vakíl or attorney of any High Court, a pleader, mukhtár or revenue-agent: Act XVIII of 1879, s. 3.

"Village-cess." (3) "Village-cess" means a cess which persons resident or holding lands in a village pay or render to the proprietors as such of the village;

and includes service rendered or things furnished as well as money paid:

"Village-servants." (4) "Village-servants" does not include the patwárí:

"Recognized agent." (5) "Recognized agent" means a person belonging to any class which the Local Government may from time to time, by notification in the official Gazette, declare in this behalf, and who is authorized in writing by any party to a proceeding under this Act to make appearances and applications and to do acts in such proceeding on his behalf: Cf. Act X of 1877, s. 37.

"Agricultural year." (6) "Agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may from time to time prescribe: New.

"Sír-land." (7) "Sír-land" means (*a*) land recorded as "sír" in the papers of the last preceding settlement; or Cf. B. 161. No. 2, ¶ 2 to 7.

(*b*) land not so recorded, but which has been continuously cultivated by the proprietor or one of the proprietors thereof for not less than twelve years; or (*c*) land which, being left uncultivated otherwise than in the ordinary course of husbandry, has been broken up by the proprietor or one of the proprietors thereof and continuously cultivated by him for not less than six years;

Provided that such land has not, after the date of such settlement, or the expiry of such period of twelve years, or six years (as the case may be), been, continuously for a period of three years, unoccupied by such proprietor.

Explanation 1st.—Land is not unoccupied by the proprietor within the meaning of this definition when it is leased out by him with an express reservation of his sír-rights:

Explanation 2nd.—Sír-land includes "bhogra" land in Sambalpúr:

"Mahál." (8) "Mahál" means— New.

any local area the limits of which have been fixed under section forty-three or section one hundred and thirty-three, clause (*c*):

"Village." (9) "Village" includes any tract of land which, at the last settlement, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

"Málik-makbúzá." (10) "Málik-makbúzá" means any person owning one or more plots of land in a mahál and having no other proprietary rights in such mahál: New.

"Provincial cess." (11) "Provincial cess" means the road-cess, school-cess and dák-cess assessed under this Act:

"Málguzár." (12) "Málguzár" means a person who, under section fifty-five, has accepted, or under section fifty-six is to be deemed to have accepted, the assessment of a mahál.

New. "Lambardár." (13) "Lambardár" means a person appointed in manner prescribed by this Act to represent the proprietary body of a mahál in its relations with the Government:

New. "Sub-lambardár." (14) "Sub-lambardár" means a person so appointed to represent the inferior proprietary body of a mahál in its relations with superior proprietors:

New. "Mukaddam." (15) "Mukaddam" means the executive headman of a village, appointed in manner prescribed by this Act:

Taken from Tenancy Act. "Tenant." (16) "Tenant" means a person who holds land of another person, and is, or but for a special contract would be, liable to pay rent for such land to such other person, but it does not include a farmer, thekadár or other similar lessee of a whole village or a large portion thereof.

Explanation.—An inferior proprietor is not, as such, a tenant.

Do. "Rent." (17) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land:

Do. "Pay" and "payable." (18) "Pay" and "payable" used with reference to rent include "deliver" and "deliverable":

Do. "Absolute occupancy-tenant." (19) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, at a settlement of such land made before the passing of this Act, or after such a settlement but before the passing of this Act, was recorded in respect of such land as an "absolute occupancy-raiyat," or in terms equivalent thereto:

"Record-of-rights." (20) "Record-of-rights" includes the "supplementary administration-paper" prepared at the time of making a settlement before the passing of this Act.

PART II.

CHAPTER II.

OF REVENUE-OFFICERS: THEIR POWERS AND PROCEDURE.

B. 5. Chief Controlling Revenue-authority.

5. The Chief Commissioner shall, subject to the superior control of the Governor General in Council, be the Chief Controlling Revenue-authority.

B. 6. Revenue-officers.

6. Besides the Chief Commissioner, there shall be the following classes of Revenue-officers (namely):—

(*a*) Commissioners, who, subject to the control of the Chief Commissioner, shall be the chief Revenue-authorities within their respective divisions;

(*b*) Deputy Commissioners, who, subject to the control of the Commissioner, shall be the chief Revenue-authorities within their respective districts;

(*c*) Assistant Commissioners, who shall be subordinate to and under the control of the Deputy Commissioners of the districts to which they are respectively attached;

(*d*) Tahsíldárs, who, subject to the control of the Deputy Commissioner, shall be the chief executive Revenue-authorities in the tahsíls to which they are respectively attached;

(*e*) Náib Tahsíldárs, who shall be subordinate to the Tahsildárs, of the tahsíls to which they are respectively attached.

B. 7. Appointment, suspension and removal of Commissioners, Deputy and Assistant Commissioners.

7. Subject to such rules as the Governor General in Council may from time to time prescribe in this behalf, Commissioners, Deputy Commissioners and Assistant Commissioners shall be appointed, and may be suspended or removed from their appointments, by the Chief Commissioner.

B. 8. Appointment, suspension and removal of Tahsíldárs and Náib Tahsíldárs.

8. The Chief Commissioner shall appoint and may suspend or remove Tahsíldárs; and may also prescribe rules for regulating the appointment, duties and dismissal of Náib Tahsíldárs.

New. Persons holding office when Act comes into force.

9. All Commissioners, Deputy Commissioners, Assistant Commissioners, Tahsíldárs and Náib Tahsíldárs holding office as such in the Central Provinces on the date on which this Act comes into force shall be deemed to have been appointed hereunder.

B. 11. Power to appoint additional Commissioners, Deputy Commissioners and Tahsíldárs.

10. The Chief Commissioner may appoint any person to be an additional Tahsíldár in any tahsíl, or, with the sanction of the Governor General in Council, to be an additional Commissioner or additional Deputy Commissioner in any division or district, and may suspend or remove any person so appointed.

The Chief Commissioner may invest any additional Commissioner, Deputy Commissioner, or Tahsíldár appointed under this section with all or any of the powers conferred by this Act on a Commissioner, Deputy Commissioner or Tahsíldár as the case may be.

B. 9. Act XIX of 1873, s. 12. Chief Commissioner may invest Assistant Commissioner with powers of Deputy Commissioner.

11. The Chief Commissioner may invest any Assistant Commissioner attached to a district with all or any of the powers conferred by this Act on Deputy Commissioners.

B. 13. Act XIX of 1873, s. 21. Officers transferred to retain powers with which they were invested.

12. Whenever any Assistant Commissioner, Tahsíldár or Náib Tahsíldár is transferred from one district or tahsíl to another, he shall, unless the Chief Commissioner otherwise directs, exercise in the district or tahsíl to which he is transferred all the powers with which he was under any provision of this Act invested in the district or tahsíl from which he is transferred.

B. 14. Act XIX of 1873, s. 20. Provision for discharge of duties of Deputy Commissioner dying or being disabled.

13. If a Deputy Commissioner dies, or is disabled from performing his duties, the officer taking, subject to such rules as the Chief Commissioner may from time to time make in this behalf, executive charge of his district shall be held to be the Deputy Commissioner under this Act, until a successor to the Deputy Commissioner so dying or disabled is appointed and such successor takes charge of his office, or until the person so disabled resumes charge of his office.

B. 12. Act XIX of 1873, s. 14. Chief Commissioner may alter boundaries of tahsíl.

14. The Chief Commissioner may from time to time alter the limits of any tahsíl, and create new tahsíls, or abolish existing tahsíls.

B. 260, 261: Act II of 1876, ss. 57 and 58.

Power to make rules—

15. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules—

(*a*) conferring upon any Revenue-officer, for the purpose of disposing of cases under this Act, any power conferred by the Code of Civil Procedure on a Civil Court for the trial of suits or execution of decrees:

conferring certain powers;

(*b*) determining the Revenue-officer by whom any case or class of cases for which no express provision in this behalf is made by this Act shall be disposed of; and

determining by whom cases to be disposed of;

(*c*) empowering any Revenue-officer to delegate to any Revenue-officer subordinate to him the exercise of any power or performance of any duty under this Act.

allowing delegation of powers.

B. 17.

Power of Deputy Commissioner to distribute work.

16. Subject to any rules which the Chief Commissioner may from time to time prescribe in this behalf, a Deputy Commissioner may—

(*a*) refer any case to any Revenue-officer subordinate to him for investigation and report, or, if such officer has power to dispose of such case, for disposal; or

(*b*) direct that any Revenue-officer subordinate to him shall, without such reference, deal with any case or class of cases arising within any specified area, and either investigate and report on such case or class, or, if he has power, dispose of it himself.

The subordinate Revenue-officer shall submit his report on any case referred to him under this section for report to the Deputy Commissioner or otherwise, as may be directed in the order of reference; and the officer receiving such report may, if he has power to dispose of the case, dispose of the same, or may return it for further investigation to the officer submitting the report, or may hold such investigation himself.

B. 19.

Power of superior Revenue Authorities to withdraw and transfer cases.

17. The Chief Commissioner, the Commissioner or the Deputy Commissioner may withdraw any case pending before any Revenue-officer subordinate to him, and either dispose of it himself, or refer it for disposal to any other Revenue-officer subordinate to him, and having power to dispose of the same.

Power of Revenue-officers to enter on lands, &c.

Revenue-officers and persons acting under their orders may, in the performance of any duty under this Act, enter upon and survey land, and demarcate boundaries, and do all other acts necessary to the business in which they are engaged.

No. 2, ¶ 16.

Power to make rules to regulate procedure.

19. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue-officers in matters not provided for by this Act, and may, by any such rule, direct that any provisions of the Civil Procedure Code shall apply with or without modification to all or any classes of cases before Revenue-officers.

B. 21.

Persons by whom appearances and application may be made before and to Revenue-officers.

20. All appearances before, applications to, and acts to be done before Revenue-officers under this Act may be made or done—

(*a*) by the parties themselves;

(*b*) with the permission of the officer, by their recognized agents; and

(*c*) with the like permission, by any legal practitioner:

Obligation of parties to attend in person.

Provided that the employment of a legal practitioner or recognized agent shall not excuse the personal attendance of a party to any proceeding in cases where such attendance is required by any order of the Revenue-officer.

B. 22: Act XVIII of 1873, s. 148.

Legal practitioner's or agent's fees not allowed unless for special reasons.

21. The fees of no legal practitioner or recognized agent shall be allowed as costs before any Revenue-officer unless, for reasons to be recorded by him in writing, such officer considers that such fees are proper to be allowed.

B. 20.

Appeals.

22. Except as otherwise hereinafter provided, an appeal shall lie against every decision or order under this Act —

(*a*) when such decision or order is passed by any Revenue-officer subordinate to the Deputy Commissioner except an Assistant Commissioner exercising the power of a Deputy Commissioner,—to the Deputy Commissioner;

(*b*) when such decision or order is passed by a Deputy Commissioner, or by an Assistant Commissioner exercising the powers of a Deputy Commissioner, whether in the first instance or on appeal—to the Commissioner of the division;

(*c*) when such decision or order is passed on appeal or otherwise by the Commissioner of a division—to the Chief Commissioner:

Provided that in no case shall a third appeal be allowed:

New.

Provided also that, if the appeal is from an interlocutory order and the appellate authority is of opinion that such appeal is unnecessary or inconvenient, it may reject the same without notice to the respondent.

B. 44, 45: Act XIX of 1873, s. 245.

Limitation of appeals.

23. No appeal shall be brought—

(*a*) in the Court of the Deputy Commissioner or an Assistant Commissioner exercising the powers of a Deputy Commissioner—after the expiration of thirty days from the date of the decision or order complained of; or

(*b*) in the Court of the Commissioner—after the expiration of sixty days from such date; or

(*c*) in the Court of the Chief Commissioner—after the expiration of ninety days from such date.

In computing such periods of limitation, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

B. 41.

Powers of revision of Commissioner and Deputy Commissioner.

24. Any Commissioner or Deputy Commissioner may at any time call for and examine the record of any case pending before or disposed of by any Revenue-officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any order passed by, and as to the regularity of the proceedings of, such officer, and may pass such order in reference thereto as he thinks fit: Provided that he shall not under this section without previous notice to the parties interested, or without the previous sanction of the Chief Commissioner, modify or reverse any order affecting any question of right between private persons.

B. 42.

Powers of revision of Chief Commissioner.

25. The Chief Commissioner may at any time call for and examine the record of any case pending before or disposed of by any Revenue-officer, and may pass such order in reference thereto as he thinks fit.

B. 43: No. 2, ¶¶ 19, 20.

Review of orders.

26. Every Revenue-officer may, either on his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, orders passed by himself or by any of his predecessors in office:

Provided that—

(1) when a Commissioner or Deputy Commissioner thinks it necessary to review any order which he has not himself passed, and when an officer under the rank of a Deputy Commissioner proposes to review any order, whether passed by himself or by any predecessor, he shall first obtain the sanction of the officer to whom he is subordinate:

(2) no order shall be modified or reversed without previous notice to the parties interested to appear and be heard in support of such order:

(3) no order against which an appeal has been preferred shall be reviewed, unless such appeal has been withdrawn:

New.

(4) no order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings, and no application for the review of such an order shall be entertained unless it is preferred within ninety days from the passing of the order, or good cause is shown for the delay.

For the purposes of this section, the Deputy Commissioner shall be deemed to be the successor in office of any officer who has left the district or has ceased to exercise powers as a Revenue-officer, and to whom there is no successor in office.

PART III.

OF SETTLEMENT.

CHAPTER III.

PRELIMINARY.

B. 47.

Notification of revenue-survey.

27. When it appears to the Chief Commissioner that a revenue-survey should be made in any local area, he may publish a notification in the official Gazette directing that such survey be made, and cause translations of such notification in the language of the district to be posted up in conspicuous places in such area; and thereupon all officers in charge of such survey, their assistants, servants, agents and workmen, may enter upon the lands to be surveyed, and erect survey-marks, and do all other acts necessary for any purpose connected with the survey.

Act XIX of 1873, s. 41.

Effect thereof.

B. 48: Act XIX of 1873, s. 36.

Notification of settlement.

28. When any local area is to be put under settlement, the Chief Commissioner may, with the previous sanction of the Governor General in Council, issue a notification of settlement, and in such notification shall—

(*a*) define the local area to be put under settlement;

(*b*) specify the operations which are to be carried out in the settlement of such area. No. 3, ¶ 6.

Power to amend notification.

The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, amend or alter such notification. B. 50: Act XXXIII of 1871, s. 19.

B. 49 and 50.

Power to appoint Settlement-officers;

29. The Chief Commissioner may from time to time appoint one or more officers (hereinafter called "Settlement-officers") to make the settlement; and when he appoints more than one such officer he shall appoint one of such officers (hereinafter called "the Chief Settlement-officer") to control such settlement, and all other officers appointed for the purposes of such settlement shall be subordinate to him.

and to suspend and remove them.

The Chief Commissioner may suspend or remove any officer appointed under this section.

B. 70: Act XIX of 1873, s. 41.

Power to enter on and survey land, &c.

30. When any land is under settlement, all Settlement-officers and their assistants, servants, agents and workmen may enter on such land for the purpose of surveying it, and may do all other acts necessary for any purpose connected with the settlement.

B. 54, 136.

Settlement-officer may be invested with powers of Deputy Commissioner.

31. When any local area is under settlement, the Chief Commissioner may invest any Settlement-officer within such area with all or any of the powers of a Deputy Commissioner under this Act, to be exercised by him in such classes of cases as the Chief Commissioner may from time to time direct.

B. 61.

Certain provisions of chapter II applied to Settlement-officers.

32. The provisions of section eleven and sections fifteen to twenty-six both inclusive shall apply, *mutatis mutandis*, to Settlement-officers and to proceedings before them, under the provisions hereinbefore contained, the expression "Settlement-officer" being read for "Assistant Commissioner" and "Revenue-officer," and the expression "Chief Settlement-officer" for "Deputy Commissioner," wherever they occur:

Provided that an appeal from any appealable order passed by a subordinate Settlement-officer shall lie to the Chief Settlement-officer if preferred within sixty days from the date of such order.

Provided also that no appeal shall lie from any decision of a Chief Settlement-officer which can be called in question in a Civil Court.

B. 58.

Appointment of Settlement-Commissioner;

33. The Chief Commissioner may, with the previous sanction of the Governor General in Council,

(*a*) appoint a Settlement-Commissioner, and invest him, within any local area under settlement, with all or any of the powers which the Commissioner of the division, if the land to be settled was wholly situate within such division, would otherwise exercise under this Act in matters connected with such settlement; and

(*b*) delegate to the Settlement-Commissioner such of his own powers in regard to matters connected with such settlement as he thinks fit.

delegation to him of Chief Commissioner's powers.

B. 53. Act XXXIII of 1871, s. 11 (2): No. 2, ¶¶ 24 to 27.

Power to invest Settlement-officers with Civil Court powers.

34. When any local area is under settlement, the Chief Commissioner may, for the trial in the first instance of any classes of suits arising within such area, being

(*a*) suits of the kinds specified in the first schedule hereto annexed, or the second schedule of the Central Provinces Tenancy Act, 1880, or

(*b*) suits regarding any matter which a Settlement-officer is required to decide or to enter in the Record-of-rights, and of which Civil Courts can take cognizance, or

(*c*) suits relating to land, or the rent, profits or occupation of land,

invest any subordinate Settlement-officer with the powers of any of the first five grades of Courts described in section four of the Central Provinces Courts' Act, 1865, and the Chief Settlement-officer with the powers of a Court of a Deputy Commissioner.

B. 53.

Appeals in suits heard under section 34.

35. When the Chief Commissioner invests any Subordinate Settlement-officer with the powers of a Civil Court, with a view to his disposing of the suits mentioned in section thirty-four, the Chief Settlement-officer to whom such Settlement-officer is subordinate shall have the powers of the Court of a Deputy Commissioner for disposing of appeals from the decrees and orders of such officer in such suits.

B. 55 (*a*).

Other appeals in local area under settlement.

36. When any local area is under settlement and Settlement-officers have been invested with the powers mentioned in section thirty-four in such local area, the Chief Commissioner may, with respect to all or any of the suits specified in that section, declare that all or any of the decrees and orders passed in exercise of the powers of Courts of the first four grades aforesaid by Assistant Commissioners or Tahsíldárs not being Settlement-officers, shall be appealable to the Chief Settlement-officer and not to the Deputy Commissioner of the district.

B. 57: No. 3, ¶ 7.

Division of civil work between Settlement-officers and ordinary Courts.

37. When any local area is under settlement and the Settlement-officers therein have been invested with powers under section thirty-four, the Chief Commissioner may withdraw from the jurisdiction of the ordinary Civil Courts within such area the classes of suits which Settlement-officers have power to dispose of under that section, or he may direct that, in respect of such suits, the Settlement-officers shall have concurrent jurisdiction with the ordinary Civil Courts:

Provided that no proceedings which have been inadvertently or erroneously taken before one of the above classes of Courts shall be deemed to be invalid merely on the ground that, by the Chief Commissioner's order, they should have been taken before another class.

Appeal, reference and revision.

38. Except as hereinbefore provided, the decrees and orders of a Settlement-officer passed, whether in the first instance or on appeal, in exercise of the powers of a Civil Court of any grade shall, for the purposes of appeal, reference and revision, be deemed to be decrees and orders of a Court of such grade.

Duration of settlement-operations.

39. A settlement notified under section twenty-eight shall be deemed to be in progress until the Chief Commissioner notifies that it is completed. Act XIX of 1873, s. 37: No. 3, ¶ 7.

Cases pending at close of settlement-operations.

When the settlement of any local area has been notified as completed, all the powers exercised by the Settlement-officers in such area shall cease, and all pending suits and applications shall be transferred to such of the Courts ordinarily having jurisdiction in such cases as the Commissioner of the Division directs, or, if there are no such Courts, shall be disposed of in such manner as the Chief Commissioner directs. B. 52: Act XIX of 1873, s. 259.

CHAPTER IV.

OF DEMARCATION.

Unowned Lands.

Settlement-officer to invite claims to lands appearing to have no owner.

40. When any local area is under settlement, the Chief Settlement-officer may make lists of all lands which appear to him to have no lawful owner, and may issue notifications declaring his intention to demarcate such lands as the property of the State, and inviting all persons having claims to or over them to lodge such claims in his Court within three months from the date of the notification. B. 65: Act XIX of 1873, s. 58.

Application of Act XXIII of 1863.

41. (*a*). Every such notification shall be deemed to be an advertisement under Act No. XXIII of 1863 (*to provide for the adjudication of claims to waste lands*), section one; B. 65: Act XIX of 1873, s. 59.

(*b*) the demarcation of such lands shall be deemed to be a disposition of them within the meaning of that Act;

(*c*) the Chief Settlement-officer shall exercise all the powers vested in the Collector by that Act; and

(*d*) claims to or over the land mentioned in such notification shall be dealt with as nearly as may be in the manner prescribed in that Act.

Procedure when limited right over land established.

42. When a claim to the exercise or enjoyment of any right not amounting to the right of exclusive possession in any land so notified is established, either before the Settlement-officer or before the Court constituted under the said Act No. XXIII of 1863, section seven, the Settlement-officer may assign to the claimant as his property a certain definite portion of such land, or, with the sanction of the Chief Commissioner, he may otherwise compensate the claimant: and such assignment or compensation shall be held to extinguish all claims on account of the exercise or enjoyment of any rights as aforesaid. B. 68.

Mahále.

Power to form mahále.

43. The Settlement-officer may declare any land to be a mahál. B. 69, 75, 103.

Excluded lands.

Settlement-officer may exclude portions of mahál from settlement-operations.

44. For the purpose of excluding from all or any of the operations of the settlement any town or other land in a mahál from which the owner can derive no profit, the Settlement-officer may mark off the site and determine the limits of such town or land: B. 73: No. 2, ¶¶ 29-31.

Provided that no land on which land-revenue is payable at the date of the notification issued under section twenty-eight shall, under this section, be exempted from assessment without the sanction of the Chief Commissioner.

Boundary-marks and Maps.

B. 71.

Erection of new, and repair of existing, boundary-marks.

45. When any local area is under settlement, the Settlement-officer may require all persons who have proprietary rights in the land comprised in such area to erect boundary-marks of such description and at such places as he thinks necessary, in order to define the limits of the mahále or fields in their possession, or to repair boundary-marks already existing, and may fix a reasonable time for compliance with his order;

and if his order is not complied with within such time, may cause such marks to be erected or repaired under his own orders, and may recover the cost of such erection or repair from the persons against whom his order was made, in such proportion as he thinks fit.

B. 74.

Preparation of maps.

46. When the limits of mahále and fields have been defined under section forty-five, the Settlement-officer shall, if the Chief Commissioner so directs, prepare for each mahál or for any group of neighbouring mahále one or more maps, showing the boundaries thereof and all the boundary-marks erected or repaired as hereinbefore provided, and also all the fields comprised in such mahál or group. In all such maps the fields shall be consecutively numbered.

CHAPTER V.

OF THE ASSESSMENT OF LAND-REVENUE.

B. 82.

Separate sum to be assessed on every mahál.

47. On every mahál, a definite and separate sum shall be assessed as Government land-revenue; but, with the sanction of the Chief Commissioner, the sum so assessed upon any mahál may be reduced, in such manner as he thinks fit, for any period not exceeding five years from the date on which the assessment takes effect.

Progressive assessments.

B. 82 (*b*): Compare Act XIX of 1873, section 39.

Matters as to which Chief Commissioner is to instruct Settlement-officer.

48. The Chief Commissioner may, with the previous sanction of the Governor General in Council, give instructions to the Settlement-officer laying down the principle on which land-revenue is to be assessed, and among other matters prescribing the sources of miscellaneous income, whether denominated Sáir or Sawái or otherwise, to be taken into account in the assessment of land-revenue and the term for which the settlement is to be made. No. 3, ¶ 7.

B. 46, 83 (*a*): Act XV of 1873, section 41: Reg. XXXVII of 1793, preamble: No. 1, ¶¶ 17-18.

What land taken into account in assessing mahál.

49. In assessing a mahál all land therein shall be taken into account except the following, that is to say:—

(*a*) land purchased free of revenue under any rules for the time being in force to regulate the sale of waste-lands;

(*b*) land in respect of which the revenue has been redeemed under any rules for the time being in force for the redemption of the tax on any land required or used for dwelling-houses, factories, gardens, plantations or other similar purposes;

(*c*) land excluded from assessment under section forty-four;

(*d*) land in respect of which a claim to hold revenue-free as against the Government is established under the provisions hereinafter contained;

(*e*) land which the Chief Commissioner, subject to the control of the Governor General in Council, may exempt from assessment.

Settlement with whom to be made.

50. The settlement of every mahál shall be offered to the entire proprietary body of such mahál: Provided that, when superior and inferior proprietary rights co-exist in the same mahál, the Settlement-officer may, subject to such rules as the Chief Commissioner may from time to time prescribe in this behalf, determine— B. 86, 137 (*c*): Act XIX of 1873, sections 43, 44 and 53.

(*a*) whether the settlement shall be offered to the superior or the inferior proprietors: and

(*b*) the manner and proportion in which the proprietary profits of the mahál shall be allotted between the superior and the inferior proprietors.

A mortgagee in possession shall, for the purposes of this section, stand in the place of a mortgaging proprietor. Act XIX of 1873, s. 43: No. 3, ¶ 9.

Sub-settlement to be made with inferior proprietors when settlement is made with superior.

51. When in a mahál in which superior and inferior proprietary rights co-exist the Settlement-officer makes a settlement with the superior proprietors, he shall make on their behalf a sub-settlement with the inferior proprietors, binding such inferior proprietors to pay to them an annual revenue equal to the Government land-revenue and provincial cesses and the profits to which they are entitled under section fifty, clause (*b*). B. 88: Act XIX of 1873, s. 54.

What inferior proprietors are to pay when settlement is made with them.

52. When in any such mahál the settlement is made with the inferior proprietors, the Settlement-officer may direct that the profit to which the superior proprietors are entitled under section fifty (*b*) shall be paid by the inferior proprietors direct to such superior proprietors, or shall be collected as if it were Government land-revenue and paid to them from the Government Treasury. B. 88: Act XIX of 1873, s. 55.

Power to issue rules for reporting assessment for sanction.

53. The Chief Commissioner may from time to time make rules prescribing the manner in which the Settlement-officer shall report for sanction his rates and method of assessment, and no assessment shall be offered to the persons permitted to engage until its amount has been sanctioned by the Chief Commissioner. See s. 45, N.-W. P.

Offers of assessment to be announced subject to revision and confirmation.

54. All offers of assessment shall be made subject to confirmation by the Governor General in Council, and to revision by the Chief Commissioner at any time before such confirmation is received. B. 89.

Option to accept or refuse assessment.

55. It shall be in the option of the persons to whom an assessment of a mahál is offered to accept or refuse the same. B. 90, 91.

Mode of acceptance.

If they are willing to accept it, they shall make and sign an acceptance in writing, in such form as the Chief Commissioner may from time to time

prescribe in this behalf, and deliver the same to the Settlement-officer.

B. 91.

Proprietor not attending may be deemed to have accepted.

56. Any proprietor who, within such reasonable period as may be specified by the Chief Commissioner, fails to sign and deliver such acceptance, or to inform the Settlement-officer that he refuses the proposed assessment, shall, if the Settlement-officer by an order in writing so directs, be deemed to have accepted such assessment.

B. 92, 134.

Effect of acceptance of assessment.

57. The assessment of a mahál accepted under this Act shall take effect from the date of such acceptance or from such subsequent date as the Chief Commissioner may appoint in this behalf, and shall continue in force for the term fixed under section forty-eight or, if at the expiry of that term no new assessment has been made and is ready to take effect, until a new assessment has been made and is ready to take effect: Provided that—

Act XIX of 1873, s. 191.

Act XXXIII of 1871, s. 33.

Assessment may be rescinded by Chief Commissioner;

1st—any assessment may be rescinded by the Chief Commissioner at any time before it has been confirmed by the Governor General in Council;

or by Governor General in Council.

2ndly—the Governor General in Council may rescind any assessment submitted to him for confirmation;

Act VIII of 1845, s. 4.

Málguzárs may object to continuance of assessment beyond term of settlement.

3rdly—if any málguzár, six months before the expiry of the term fixed under section forty-eight, applies to the Deputy Commissioner stating that he is unwilling that the assessment should continue in force beyond the expiry of such term, the assessment shall, on the expiry of such term, cease to be in force;

Saving of right to partition mahál.

4thly—nothing herein contained shall affect the right of any person holding any portion of a mahál in severalty to have such portion constituted a separate mahál under the provisions hereinafter contained.

B. 94: Act XIX of 1873, s. 48.

Procedure when assessment is declined.

58. Where there is but one class of proprietors in a mahál and none of them are willing to accept in manner required by section fifty-five the assessment offered, the Settlement-officer may, with the previous sanction of the Chief Commissioner, exclude them from settlement, and may settle the mahál with any other persons, or may take it under direct management:

Provided that the period of exclusion under this section shall in no case exceed the term of settlement.

B. 95: Act XIX of 1873, s. 49.

Procedure when only some proprietors accept assessment.

59. If some of the proprietors are willing so to accept and others are not willing so to accept the assessment offered, the Settlement-officer may, if the interest of the recusant proprietors in the lands taken into account in the assessment consists entirely of lands held by them separately from the other proprietors, form such lands into a separate mahál, and deal with such mahál under section fifty-eight:

Provided that the settlement of such separate mahál shall be offered in the first instance to the proprietors who were willing to accept the assessment originally offered.

In other cases the settlement of the entire mahál shall be offered to the proprietors who were willing to accept the settlement when originally offered, and if they refuse it the mahál shall be dealt with under section fifty-eight.

B. 96: Act XXXIII of 1871, s. 30: Settlement Code, p. 51.

Procedure on refusal of assessment in village in which superior and inferior rights exist.

60. When an assessment is offered in a mahál in which both superior and inferior proprietors exist—

(*a*) if all the proprietors of the class with which the Settlement-officer proposes to make the settlement are unwilling to accept as aforesaid the assessment offered, the settlement shall be offered to the other class; and if all the proprietors of such class refuse the settlement, the settlement-officer shall proceed as in section fifty-eight;

(*b*) if some only of the proprietors of the class with which the Settlement-officer proposes to make the settlement refuse the assessment, he may either proceed as if all refused or may deal with the mahál under section fifty-nine:

Provided that if, in the latter case, the proprietors who were willing to accept the assessment when originally offered refuse to accept it, such settlement shall be offered to the other class of proprietors in preference to any other persons.

B. 97: See s. 54, N.-W. P.

Procedure on refusal of sub-settlement by inferior proprietors.

61. If all the inferior proprietors refuse any sub-settlement offered under section fifty-one, the Settlement-officer may assign the proprietary management and profits of the mahál to the superior proprietor for any term not exceeding the term of settlement.

If some only of the inferior proprietors refuse the sub-settlement, the Settlement-officer may in his discretion either—

(*a*) proceed as if all had refused it; or

(*b*) deal with the mahál under section fifty-nine as if the sub-settlement had been a settlement.

B. 98: Act XIX of 1873, ss. 48, 51: Act XXXIII of 1871, s. 37: No. 3, ¶ 10.

Allowance to excluded proprietors.

62. Any proprietor excluded from settlement under section fifty-eight or section sixty, clause (*a*), shall be entitled to receive, from the Government, an annual allowance, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five per cent. or more than ten per cent. on the amount of the assessment offered to him by the Settlement-officer.

Act XIX of 1873, s. 50: No. 3, ¶ 10.

Excluded proprietors to have occupancy-rights in their sír-land.

63. Any proprietor excluded from settlement under sections fifty-eight to sixty-one, inclusive, shall be entitled to retain possession of his sír-land (if any) as if he were an absolute occupancy-tenant; and the rent to be paid by him for such land during the term of his exclusion shall be fixed by the Settlement-officer accordingly.

Act XIX of 1873, s. 56.

Sub-settlement with málik-makbúzás and other like proprietors.

64. The Settlement-officer may make, on behalf of málik-makbúzás or other like holders of land, such a sub-settlement as shall secure to them from the proprietors of the mahál their existing rights; and may provide that, in addition to the land-revenue payable by them, they shall pay to the proprietors such percentage thereon, not exceeding twenty per cent., as

may in his opinion be sufficient to compensate the said proprietors for their responsibility in respect of the Government land-revenue, and to meet fees to lambardárs and mukaddams.

B. 99.

Revenue payable under sub-settlement to be first charge on land.

65. The amount of revenue payable under a sub-settlement shall be a first charge upon all the land comprised in such sub-settlement.

CHAPTER VI.

OF CERTAIN INVESTIGATIONS BY THE SETTLEMENT-OFFICER AND THE PREPARATION OF THE RECORD-OF-RIGHTS.

B. 76: Act XIX of 1873, s. 62.

Settlement-officer to ascertain proprietors.

66. The Settlement-officer shall ascertain the persons who are in possession as proprietors of the land of each mahál.

B. 108.

To determine extent of sír-land.

67. The Settlement-officer shall determine the extent and situation of land held as sír in each mahál.

B. 109: Act XIX of 1873, ss. 65 and 67: Settlement Code, p. 74, para. 7.

To decide disputes among shareholders regarding management of village.

68. The Settlement-officer shall ascertain the customs or rules by which the proprietors in each mahál are mutually bound as regards the introduction and ejectment of tenants, the granting of pattás, the realization and distribution of rents and other profits, the payment of land-revenue, village expenses and other charges, and generally in matters relating to the control and management of the mahál; and shall decide disputes or record any arrangement agreed on regarding such matters.

B. 100 and 107: Act XIX of 1873, s. 46.

To distribute assessment over lands held in severalty.

69. When the whole or part of the land of a mahál is held in severalty the Settlement-officer shall distribute the amount assessed under a settlement or a sub-settlement over the lands of such mahál, and such distribution shall be binding upon the málguzárs as among themselves.

B. 101.

To determine through what lambardárs revenue shall be paid.

70. The Settlement-officer shall determine through which of the lambardárs or sub-lambardárs the amount of revenue payable by each proprietor, sub-proprietor or málik-makbúzá shall be paid.

B. 110: Act XIX of 1873, s. 68.

To determine status and rents of tenants.

71. The Settlement-officer shall ascertain and record for each mahál the status of all tenants occupying land therein, the lands held by them, the conditions of their holdings, and the rents (if any) payable by them respectively.

B. 107: Act XIX of 1873, s. [illegible]

To re-distribute land according to custom.

72. When by established custom the land held by each proprietor in any mahál is subject to periodical re-distribution, the Settlement-officer may, in his discretion, on the application of the proprietors, make such re-distribution according to such custom.

B. 112, 113: Act XIX of 1873, ss. 85-87.

Enquiry into claims to hold revenue-free as against Government.

73. The Settlement-officer shall investigate claims against the Government to hold land free of revenue or at less than a full assessment, or to receive the whole or part of the land-revenue assessed on land which is not free of revenue.

Power of Chief Commissioner to issue rules.

The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, make rules determining the principles by which the Settlement-officer shall be guided in the disposal of claims coming under this section.

B. 112: Act XIX of 1873, section 79.

Inquiry as to claims to hold revenue-free as against málguzárs.

74. When any land not being land which any person is entitled to hold revenue-free as against the Government is held by a proprietor, whether himself a málguzár or not, who claims to hold it wholly or partially free from revenue as against the málguzárs of the mahál, the Settlement-officer shall decide whether the claimant is entitled to be exempted from paying the whole or any part of the revenue which would otherwise be payable in respect of such land; and, if he decides that the claimant is so entitled, shall also determine the conditions under which, and the term for which, the claimant is entitled to such exemption:

Provided that no order under this section shall exempt any land from the payment of revenue when the mahál in which it is situate is sold for arrears of revenue.

B. 113.

Chief Commissioner may prescribe rules for disposal of such cases.

The Chief Commissioner may from time to time make rules for the guidance of Settlement-officers in dealing with cases under this section.

B. 116.

Time from which orders under sections 73 and 74 take effect.

75. When the Settlement-officer decides, under section seventy-three or section seventy-four, that land which has been held free of revenue, or at less than full revenue, shall pay revenue, or pay the same at enhanced rates, such order shall take effect from the first day of the agricultural year next ensuing; unless the Chief Commissioner directs that the amount payable in respect of such land on account of any preceding year or years shall be realized.

No. 3, ¶ 12.

B. 117, 118 (*a*): Act XIX of 1873, s. 66.

Settlement-officer to decide what village-cesses are leviable.

76. The Settlement-officer shall determine and record the village-cesses, if any, which are leviable in accordance with village-custom, and the persons by and from whom, and the rates at which, they are leviable; and such cesses shall, if sanctioned by the Chief Commissioner, be leviable accordingly.

B. 118 (*b*), 120.

To determine certain disputes.

77. The Settlement-officer may determine disputes regarding any of the following matters (namely):—

(*a*) the right of any lambardár, mukaddam, patwári, village-watchman or other village-servant to any customary dues or other remuneration, and his liability to render any customary service in return for such dues or remuneration;

(*b*) the rights of persons resident in the village, or holding lands in the mahál, in or to the common land of the mahál and its produce, and the village-site;

(*c*) any customs relating to irrigation or to rights-of-way and other easements;

(*d*) any other rights and customs which the Chief Commissioner directs to be recorded in the administration-paper.

New.

Procedure in cases under sections 66, 67, 68, 71 and 77, clauses (*b*), (*c*) and (*d*).

78. If a dispute arises regarding any matter referred to in sections sixty-six, sixty-seven, sixty-eight, seventy-one and seventy-seven, clauses (*b*), (*c*) and (*d*),

the Settlement-officer shall decide it summarily after making such enquiry as he thinks fit, and shall not be bound to hear any party to such dispute or to receive any evidence tendered by any such party; but in the case of every such dispute, he shall record a proceeding stating the nature of such dispute, his decision thereon, the grounds of such decision and such other particulars as he thinks fit.

B. 119, 120.

Record-of-rights.

79. The Settlement-officer shall prepare for every mahál, or, if he thinks fit, for any group of neighbouring mahále, a Record-of-rights, and shall include in it—

(*a*) the results of the inquiries made under this chapter; and

Act XIX of 1873, ss. 62 and 63, and s. 65, clause (*e*).

(*b*) any other matters which the Chief Commissioner may, by rules in this behalf, direct to be entered in such paper.

B. 137 (*f*).

Chief Commissioner may make rules regarding Record-of-rights.

80. The Chief Commissioner may make rules prescribing the language in which the Record of-rights shall be drawn up, the form of the papers of which it shall consist, and the manner in which such papers shall be signed and attested by the Settlement-officer and the parties interested.

B. 52: Act XXXIII of 1871, s. 17.

Record-of-rights to be made over to Deputy Commissioner.

81. When the Settlement-officer has completed a Record-of-rights in manner hereinbefore prescribed, he shall, subject to any order issued by the Chief Commissioner in this behalf, make it over to the Deputy Commissioner for custody.

B. 197: Act XIX of 1873, s. 91.

Effect of entries in Record-of-rights.

82. All entries in the Record-of-rights duly made and attested shall be presumed to be correct until the contrary is shown, or until they are amended in manner provided by this Act.

Suits to contest certain settlement decisions or entries.

83. Any person deeming himself aggrieved by any decision under section seventy-eight, or by any decision of the Chief Settlement-officer in appeal therefrom, or by any entry made in the Record-of-rights in reference to any matter mentioned in that section, may institute a suit in the Civil Court to have such decision set aside or such entry cancelled or amended:

Provided that—

B. 199 (*b*).

(*a*) when the suit is for the cancellation or amendment of an entry, the Government, if it so desires, and all persons interested in the entry, shall be made parties to the suit;

(*b*) no such suit instituted by any persons by whom the Record-of-rights was signed, or by any persons claiming through them, and brought with a view to modify or set aside any entry relating to any matter mentioned in section sixty-eight or section seventy-seven, clause (*b*), (*c*) or (*d*), shall be brought without the previous sanction of the Chief Commissioner;

B. 199 (*c*).

(*c*) the Court before which any such suit is brought shall take judicial notice of every rule to which the Settlement-officer ought to have had regard when he made the entry.

Revision of Record-of-rights by Chief Commissioner.

84. Notwithstanding anything hereinbefore contained, the Chief Commissioner shall not, after an assessment has been confirmed by the Governor General in Council, exercise, in respect of any entry of the descriptions referred to in section eighty-three made in a Record-of-rights prepared in connection with such assessment, the power of revision conferred by sections twenty-five and thirty-two, unless it is proved that such entry was made inadvertently. B. 121, proviso (1), 199 (*f*).

Proceedings regarding lands the property of Government.

85. In respect of lands declared to be the property of Government, the Settlement-officer shall, instead of proceeding as hereinbefore provided, conduct such operations, and prepare such record, as the Chief Commissioner may direct. B. 135.

CHAPTER VII.

OF PROVINCIAL CESSES.

Assessment of provincial cesses.

86. The road-cess, the school-cess and the dâk-cess shall be assessed by the Settlement-officer on all lands whether land-revenue be assessable on the same or not. B. 84, 85: No. 1, ¶ 18.

In the case of lands fully assessed to land-revenue, the road-cess and school-cess shall be assessed at the rate of two per cent., and the dâk-cess at the rate of one half per cent., on such revenue;

In the case of lands not so assessed the said cesses shall be assessed at the same rates on the revenue which, in the opinion of the Settlement-officer, would be assessed on such lands if they were assessable to land-revenue at full rates.

CHAPTER VIII.

OF SETTLEMENTS MADE BEFORE THE PASSING OF THIS ACT.

Former settlements deemed to have been made under Act.

87. Settlements made before the passing of this Act shall be deemed, so far as may be, to have been made under this Part; and the provisions of this Act in regard to proceedings taken and records prepared by Settlement-officers in the making of settlements thereunder shall apply in like manner to proceedings taken and records prepared before the passing of this Act. B. 128.

Effect of awards of proprietary right at such settlements.

88. When a Settlement-officer or Settlement Court has, at any settlement made before the passing of this Act, made an award of proprietary rights in any land, all claims which after consideration by such officer or Court may have been declared by him or it invalid, or inferior to the claims of the persons in whose favour the award was made, shall be barred both as against Government and as against the persons last mentioned; and no suit shall lie for the enforcement of such claims in any Civil Court. B. 148: No. 1, ¶¶ 19-21.

When suits for proprietary right will lie in Civil Courts.

89. Any person whose claim to proprietary right in land was not considered by such officer or Court may sue in a Civil Court, at any time within the period of limitation prescribed by the law for the time being in force, to establish such claim; and, if he can prove that, when proprietary rights were awarded in the lands claimed B. 149, 150: No. 1, ¶¶ 19-21.

by him, he was entitled to have like interests in such lands with those in consideration of which proprietary rights were awarded, the Court in its decree may declare him to be proprietor of such lands.

B. 133.

Chief Commissioner may allot waste-land to malik-makbúzas entitled thereto.

90. When, at any settlement made before the passing of this Act, málik-makbúzás have been declared entitled to receive a portion of the waste-lands of any mahál, the Chief Commissioner may, notwithstanding anything contained in the record of such settlement, prescribe the extent of such portion and the mode in which the same shall be assigned to them; and may determine the title and conditions on which they may hold it.

PART IV.

OF REVENUE-ADMINISTRATION.

CHAPTER IX.

OF THE COLLECTION OF LAND-REVENUE.

B. 171: Act XIX of 1873, section 147.

Power of Chief Commissioner to regulate payment of land-revenue.

91. Notwithstanding anything contained in the Record-of-rights of any village, the Chief Commissioner may fix the number and amount of the instalments, and the times, places and manner at and in which land-revenue, whether payable direct to the Government or not, shall be paid.

See section 147, N.-W. P.

Until the Chief Commissioner otherwise directs, all such payments shall be made on the dates, in the instalments, in the manner and at the places on, in and at which they are now payable.

B. 172: Act XIX of 1873, section 148.

"Arrear." "Defaulters."

92. When any sum payable under a settlement or sub-settlement is not paid within the time within which it is payable under section ninety-one, such sum shall be deemed to be an arrear, and all the persons with whom such settlement or sub-settlement was made shall thereupon become jointly and severally liable for it, and shall be deemed to be defaulters within the meaning of this Act.

B. 90.

Of the Realization of Government Revenue from Málguzárs.

Act XIX of 1873, s. 149: No. 3, ¶ 18.

Tahsíldár's statement of account to be conclusive evidence of arrear.

93. Except as hereinafter provided, a statement of account, certified by the Tahsíldár, shall, for the purposes of this chapter, be conclusive evidence of the existence of any arrear payable direct to the Government, of its amount, and of the persons who in respect thereof are defaulters.

B. 173 (*a*): Act XIX of 1873, s. 150 (*a*).

Notice of demand.

94. The Deputy Commissioner or any officer empowered by him in this behalf may, if he thinks fit, before any of the processes hereinafter referred to are issued for the recovery of such an arrear, cause a notice of demand to be served on any of the defaulters.

B. 178: Act XIX of 1873, s. 150.

Processes for recovery of arrears.

95. An arrear payable directly to Government may be recovered by one or more of the following processes:—

(*a*) by arrest and imprisonment of any defaulter;

(*b*) by attachment and sale of his moveable property;

(*c*) by attaching the mahál or the share or land of any málguzár who has not paid the portion of the revenue which, as between him and the other málguzárs, is payable by him, and taking the same under direct management;

(*d*) by transferring the share or land of any málguzár as aforesaid to any málguzár who has paid as aforesaid; or if all such málguzárs decline to accept such share or land, to a person having a mortgage or charge upon the same; B. 178.

(*e*) by annulling the settlement of the mahál in respect of which the default has occurred and taking such mahál under direct management or farming the same;

(*f*) by selling the mahál or the land of any málguzár who has not paid the portion of the revenue aforesaid;

(*g*) by selling immoveable property belonging to the defaulter other than the land in respect of which the arrear has occurred:

Provided—

(1) that the process mentioned in the said clause (*a*) shall not be issued against any female;

(2) that the processes mentioned in clauses (*d*), (*e*), (*f*) and (*g*) of this section shall not be enforced without the sanction of the Chief Commissioner;

(3) that no land shall be sold, and the settlement of no land shall be annulled, on account of an arrear accruing on such land whilst it is under attachment, or under charge of the Superintendent of Government wards, or held by the Deputy Commissioner under direct management, or let by him in farm. Act XIX of 1873, ss. 165.

The processes specified in clauses (*a*), (*b*) and (*g*) may be enforced either in the district in which the default has been made, or in any other district.

Arrest and imprisonment for recovery of arrear.

96. The process mentioned in section ninety-five, clause (*a*), may be executed by issuing a warrant directing the officer named therein, if the defaulter fails to pay the arrear by a date to be fixed in the warrant, to bring him to the tahsíl. B. 174.

If, when the defaulter arrives at the tahsíl, the arrear is still unpaid, the tahsíldár may order him to be taken before the Deputy Commissioner or may keep him under personal restraint at the tahsíl for a period not exceeding ten days, and may then, if the arrear is still unpaid, cause him to be taken to the Deputy Commissioner. Act XIX of 1873, s. 159.

Imprisonment of defaulter in civil jail.

97. If the arrear is not paid when the defaulter arrives before the Deputy Commissioner, the Deputy Commissioner may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in such jail for such period, not exceeding three months from the date of the order, as the Deputy Commissioner may think fit, unless within such period the arrear is paid. B. 175: Act XXXIII of 1871, s. 49.

Act XXXIII of 1871, s. 43.

Procedure in sales of moveable property.

98. Attachment and sales of moveable property made under this chapter shall be conducted as nearly as may be according to the law for the time being in force for the attachment and sale of moveable property under the decree of a Civil Court.

B. 176: No. 3, ¶¶ 19-20.

Management of share or patti attached under section 95, clause (c).

99. After causing any attachment to be made under section ninety-five, clause (c), the Deputy Commissioner shall issue a proclamation declaring the attachment, and shall place the attached mahál, share or land under the management of any agent whom he may appoint for the purpose.

B. 176: Act XIX of 1873, s. 155.

Effect of attachment.

100. During the continuance of an attachment under section ninety-nine, the defaulters shall be excluded from possession of the land attached, and the agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors, incumbrancers or tenants of, or on, such land.

B. 177: Act XIX of 1873, s. 156.

Profits of land how applied.

101. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any revenue or provincial cesses falling due upon such land during the attachment, and next, to discharging the arrear.

B. 176-177: Act XIX of 1873, s. 156.

Attachment when to cease.

102. The attachment shall continue until the arrear is paid or realized from the profits of the land or the Collector thinks fit to reinstate the defaulters in possession:

Provided that no attachment shall continue beyond five years from the first day of the agricultural year next following its commencement.

B. 178.

Transfer under section 95 (d).

103. When it is proposed to execute the process mentioned in section ninety-five, clause (d), the persons to whom the share or land is to be transferred shall be required to pay the arrear, or to secure its payment to the satisfaction of the Deputy Commissioner.

Act XIX of 1873, s. 157.

No such transfer shall be made for a term exceeding fifteen years from the first day of the agricultural year next after the date on which it is sanctioned by the Chief Commissioner.

Joint and several liability not affected by transfer.

No proceedings taken under this section shall affect the joint and several liability of the málguzárs of the estate for arrears accruing on such estate subsequently to the transfer of the holding, except that, as regards all such arrears, the transferee shall stand in the place of the málguzár whose holding is transferred.

B. 179: Act XIX of 1873, s. 159.

Procedure after receipt of sanction to annulment of settlement.

104. When the Chief Commissioner sanctions the annulment of the settlement of any mahál, the Deputy Commissioner shall proclaim such annulment, and may then exclude the defaulters from the possession, and either manage the mahál or any portion thereof himself or through an agent or let it in farm for such term and on such conditions as the Chief Commissioner directs: and all liens, leases and other incumbrances created upon the land so managed or farmed by the defaulters, or by any person through whom they claim, may, at the option of the Deputy Commissioner, be cancelled:

Provided that no farm or management under this section shall continue for a longer period than fifteen years from the first day of the agricultural year next after the proclamation of annulment of settlement.

B. 180: Act XIX of 1873, s. 165.

Settlement on expiry of farm or management.

105. After the expiration of the period of management or farm, the Deputy Commissioner shall offer to the persons entitled to be settled with under section fifty a new settlement of the land on such conditions as the Chief Commissioner may direct, for the remainder of the term of the settlement of the local area in which such land is situate; and, if such offer is refused, may, with the previous sanction of the Chief Commissioner, let such land in farm for the remainder of the term of settlement to some other person, or manage it himself or through an agent for such period.

New.

Case of a portion of a mahál being farmed or managed.

106. When a portion only of the mahál is taken under management or farmed under section one hundred and four, the rest of such mahál shall be separately re-settled for the remainder of the term of settlement.

Act XIX of 1873, s. 190.

Saving of rights in sír-land.

107. Notwithstanding anything hereinbefore contained, no defaulter shall be deprived of the possession of his sír-land in the execution of any of the processes mentioned in section ninety-five, clauses (c), (d) and (e); but any such defaulter shall, while such process is being enforced, be entitled to retain possession of, and pay rent for, such land as if he were an absolute occupancy-tenant.

B. 182: Cf. Act XIX of 1873, s. 157.

Nature of estate taken by purchaser of land sold for arrears due thereon.

108. Unless the Chief Commissioner in sanctioning the sale otherwise directs, a purchaser of any land sold for arrears of revenue due in respect thereof acquires the full proprietorship or superior or inferior proprietorship of it, as the case may be, free of all liens, leases and incumbrances; and all grants or contracts previously made by any person other than the purchaser in respect of such land shall become void as against such purchaser.

Nothing in this section shall—

No. 3, ¶ 20.

(a) affect the rights of any proprietor, superior or inferior, to the defaulters or of any málik-makbúzá or occupancy-tenant who does not derive his rights as such from express contract with such defaulters or any person through whom they claim; or

(b) apply to lands held under leases for the erection of dwelling-houses or manufactories, or for mining purposes, gardens, tanks, canals, places of worship or burying-grounds, whilst the lands continue to be used for the purposes specified in such leases; or

(c) deprive any defaulter whose property is sold of the rights in respect to his sír-land conferred by the Central Provinces Tenancy Act, 1880.

Act XXXIII of 1871, s. 58.

Rules for sale of immoveable property.

109. When immoveable property is sold under this Act, the procedure provided in sections 287 (except the last two clauses), 293 and 306 to 316 inclusive of the Civil Procedure Code shall be followed, except in the following particulars, that is to say:—

(a) The defaulter may pay the arrear in respect of which the land is to be sold at any time before the day fixed for the sale, and on such payment the sale shall be stayed.

(b) The proclamation of the intended sale provided in the said section 287 shall, when the sale is under clause (f), section ninety-five of this Act, declare that, subject to the provisions of section one hundred and eight, the full proprietorship or superior or inferior proprietorship, as the case may be, is to be sold free of all liens, leases and incumbrances, and the certificate provided for in section 316 of the said Code shall contain a similar statement.

(c) An appeal from any order under section 212 of the said Code for confirming or setting aside the sale shall lie to the Commissioner of the division, and an appeal from the Commissioner's order shall lie to the Chief Commissioner.

Act XIX of 1873, s. 172.

(d) The Deputy Commissioner may, from time to time, postpone a sale which he has notified, reporting such postponement to the Commissioner of the Division.

(e) Section 309 of the Civil Procedure Code shall be read as if, after the words "for such payment," the words "and every sale of such property made after a postponement" were added.

(f) Section 313 of the said Code shall not apply to sales under section ninety-five, clause (f), of this Act.

(g) Section 316 of the Civil Procedure Code shall be read as if the words "The Deputy Commissioner shall give to the purchaser possession of the lands which he has purchased" were added thereto.

Act XIX of 1873, section 188.

Pre-emption at sales.

110. (a) When the land of one or more of the málguzárs is sold under section ninety-five, clause (f), any málguzár who has paid the revenue which as between him and the other málguzárs is payable by him, and

(b) when the superior or inferior proprietorship of any land is so sold, any inferior or superior proprietor (as the case may be)

may, if the property has been knocked down to a stranger, claim to take it at the sum last bid:

Provided that such claim is made before the officer conducting the sale closes the sitting at which the sale is held, and that the claimant fulfils all the conditions of the sale and that a málguzár under clause (a) shall have a prior claim to a superior or inferior proprietor under clause (b).

B. 188: Act XIX of 1873, section 185.

Application of proceeds of sale of immoveable property.

111. The proceeds of every sale in execution of any process mentioned in section ninety-five shall be applied, first, in satisfaction of the arrear on account of which the sale was held and of the expenses of such sale; secondly, to the payment of any other arrear of land-revenue due by the defaulter; and the surplus, if any, shall then be payable to him, or, in the case of more than one defaulter, to such defaulters according to their respective shares in the property sold.

B. 187.

Costs recoverable as part of arrear.

112. The costs of serving a notice of demand under section ninety-four and of enforcing any process mentioned in section ninety-five shall be recoverable as part of the arrear in respect of which the process was issued.

B. 188.

Matters as to which Chief Commissioner may make rules.

113. The Chief Commissioner may from time to time make rules—

(a) for the guidance of the Deputy Commissioner in issuing notices of demand under section ninety-four and executing the processes mentioned in section ninety-five;

(b) prescribing the manner in which lands exempted from partition shall be dealt with when a default occurs;

(c) defining the classes of officers by whom the processes mentioned in section ninety-five, clauses (a) and (b), may be enforced;

(d) prescribing the agency by which any of the processes issued under section ninety-five shall be executed.

B. 195.

Remedies open to person denying that sum demanded as an arrear is due.

114. Notwithstanding anything contained in section ninety-three, when proceedings are taken under this Act for the recovery of an arrear payable directly to Government, the person against whom such proceedings are taken may, if he denies the arrear or any part thereof to be due, pay the same under protest made at the time of payment and duly signed by him or by his agent, and file a suit in the Civil Court for the recovery of the amount which he denies to be due.

Act XIX of 1873, s. 189.

Of the Realization of Revenue by Málguzárs.

B. 190.

Limitation of right to set-off, &c., in suit for arrears.

115. In a suit for the recovery of an arrear of revenue not being Government revenue or a suit brought by a lambardár to recover the amount of any Government revenue or provincial cess payable through him, the defendant shall not, except with the permission of the Court,—

(a) set off against the plaintiff's demand any sum of money recoverable by him from the plaintiff, or

(b) claim credit for any payment purporting to have been made on account when such payment was made before the date on which the amount thereof became due.

B. 192: Act XVII of 1876, s. 158.

Recovery of arrear through Deputy Commissioner instead of by suit.

116. Any lambardár or sub-lambardár entitled to recover an arrear of revenue, or any malguzár to whom such an arrear is due under a sub-settlement, may, instead of instituting a suit for the recovery thereof, apply to the Deputy Commissioner to recover such arrear on his behalf as if it were an arrear of Government revenue.

The Deputy Commissioner may, if he thinks fit, comply with such application, but shall, before compliance therewith, give to the persons who would be defendants, if a suit were brought, opportunity to show cause against the order which he proposes to make.

The Deputy Commissioner shall not be made a defendant to any suit instituted under section one hundred and fourteen to contest an arrear in respect of which an order has been made under this section.

Persons on whose account the Deputy Commissioner proceeds under this section to recover arrears shall not thereby be relieved of their responsibility for such arrears; and shall forfeit their claim to the collection-charge, or, if no separate collection-charge has been fixed, to such percentage on the sum collected as the Chief Commissioner may authorise by rules framed in this behalf; and such charge or percentage shall be collected and credited to the Government.

B. 151-154: No. 2, ¶¶ 40-43.

Saving of right of proprietor to demand revenue of land assessed to revenue and held free.

117. Nothing in the Indian Limitation Act, 1877, and no agreement made after the passing of this Act, shall bar the right of the málguzárs of any mahál assessed to land-revenue to demand revenue in respect of any land which, having been taken into account in such assessment has been held by any person without payment of revenue; but the Chief Commissioner may, in his discretion, exempt any case from the operation of this section.

Limitation in suits for revenue.

118. The period of limitation in suits for the recovery of revenue payable under a settlement or sub-settlement shall be three years reckoned from the date on which such revenue becomes payable.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

Interest on arrears.

B. 193: Act XIX of 1873, s. 148: No. 3, ¶ 21.

Interest on arrears.

119. Interest shall not be charged on an arrear of Government revenue unless the Chief Commissioner so directs; but the Court may award interest at such rate as it thinks fit on sums payable under a sub-settlement.

CHAPTER X.

OF THE MAINTENANCE AND REVISION OF THE RECORD-OF-RIGHTS.

B. 198.

Correction of Record-of-rights.

120. An entry in the Record-of-rights may, after such record has been made over to the Deputy Commissioner, be corrected by the Deputy Commissioner on the application of any person interested, or of his own motion on one or more of the following grounds:—

Act XIX of 1873, s. 94.

(*a*) that all persons interested in such entry wish to have it corrected; or

(*b*) that by a decree in a suit brought under section eighty-three it has been declared to be erroneous; or

(*c*) that, being founded on a decree or order of a Civil Court, or on the order of a Revenue or Settlement-officer, it is not in accordance with such decree or order; or

(*d*) that, being founded on such decree or order, the order or decision has subsequently been modified on appeal or review, or has been revised by the Chief Commissioner.

Revision of record in accordance with provision therein contained.

121. The Deputy Commissioner may revise a Record-of-rights when such revision is provided for in such record.

Powers of Deputy Commissioner as to correction or revision of record.

122. When the Deputy Commissioner takes proceedings for the correction or revision of any entry in the Record-of-rights, he shall exercise, with respect to the matter to which such entry relates, all the powers which the Chief Settlement-officer might have exercised if the proceedings had been taken whilst the settlement was in progress.

B. 155, 156: No. 2, ¶¶ 46, 48.

Power to direct that rule or custom entered in Record-of-rights shall be enforced by Government.

123. The Chief Commissioner may direct that any rule, custom or condition entered in the Record-of-rights of any village shall be enforced by the Government.

Punishment of violation of such rule or custom.

If any of the persons with whom a settlement or sub-settlement has been made violate or neglect any rule, custom or condition with respect to which the Chief Commissioner has made a direction under this section, the Deputy Commissioner may, if no penalty is provided in this or in the Central Provinces Tenancy Act, 1880, for such violation or neglect, impose upon such person a fine which may extend to two hundred rupees.

Powers of Chief Commissioner as to registration of changes after preparation of Record-of-rights.

124. The Chief Commissioner may—

B. 147, 201: No. 3, ¶ 24.

(*a*) direct that the mukaddam of each village shall, for the purpose of showing the changes occurring subsequently to the preparation of the Record-of-rights, prepare, or, where there is a patwári, cause to be prepared, and furnish, annually for such village, papers in such form, at such time, containing such particulars, and attested in such manner, as the Chief Commissioner may, from time to time, prescribe;

(*b*) prescribe the procedure to be followed in order to ascertain that a change has occurred, and the nature of such change

All changes referred to in this section shall be recorded in such registers as the Chief Commissioner appoints, and not in the Record-of-rights, and the Chief Commissioner may direct that, before any specified changes are recorded, the order of a specified Revenue-officer shall be obtained.

Act XIX of 1873, s. 97.

Possession of proprietary rights to be notified.

125. All persons obtaining possession of proprietary rights and interests in land shall at once give notice of the same to the tahsíldár of the tahsíl in which such land is situated.

If any question arises whether any right or interest is a proprietary right or interest within the meaning of this section, the decision thereof by the Chief Commissioner shall be final.

Act XIX of 1873, s. 100.

Fine for neglect to give notice of possession.

126. Any person neglecting to give the notice required by section one hundred and twenty-five shall be liable, at the discretion of the Deputy Commissioner or Assistant Commissioner, to fine which may extend to fifty rupees for each day during which such neglect continues.

Obligation to aid in preparation of village-papers.

127. All persons having proprietary rights in land are, on the requisition of the Deputy Commissioner, bound to prepare, or cause to be prepared, such papers and furnish such information as may be required for the preparation of the village-papers prescribed under section one hundred and twenty-four.

B. 202: Act XIX of 1873, s. 96.

Fees for mutations.

128. The Chief Commissioner may direct that fees shall be leviable when changes are recorded under the last clause of section one hundred and twenty-four, and may fix the amount of such fees.

From whom leviable.

129. All fees leviable under section one hundred and twenty-eight shall be levied from the person in whose favour the change takes place.

B. 169: Act XIX of 1873, s. 101.

Annual enquiry regarding revenue-free holdings.

130. The Deputy Commissioner shall make enquiry annually regarding all cases in which land has been released conditionally or for a time from the payment of revenue; and, if the term of any grant has expired, or (when the grant is for a life or lives) if the person last entitled to hold revenue-free, or at less than full revenue-rates, has died, shall assess the same, and shall report his proceedings through the Commissioner of the Division for the sanction of the Chief Commissioner.

Procedure on expiry of term of grant.

B. 169: Act XIX of 1873, s. 101.

Procedure on breach of condition of release.

131. If it appears to the Deputy Commissioner that the conditions of any grant have been broken by the grantee, he shall report the case through the Commissioner of the Division for the orders of the Chief Commissioner, who may direct that the land be assessed or may pass such other order as he thinks fit.

B. 203: Act XIX of 1873, s. 106.

Inspection of revenue-records.

132. All records kept under this chapter shall be open to public inspection at such times, and on such conditions as to fees or otherwise, as the Chief Commissioner from time to time directs.

CHAPTER XI.

OF CERTAIN ADDITIONAL POWERS AND FUNCTIONS OF REVENUE-OFFICERS.

Purposes for which, when settlement is not in progress, Deputy Commissioner shall exercise Settlement-officer's powers.

133. The Deputy Commissioner shall, when a settlement is not in progress, exercise the powers conferred by this Act on Settlement-officers for the following purposes:—

(*a*) causing boundary marks to be erected;

(*b*) assessing land-revenue on lands which are liable to assessment, but have not been assessed;

B. 165.

(*c*) forming new maháls from land not previously settled;

(*d*) settling lands from which the proprietors were excluded at settlement and to which they have been or are about to be re-admitted;

(*e*) settling mahäls in respect of which an application has been made under the third proviso to section fifty-seven;

(*f*) dealing with claims to hold land wholly or partially free from revenue as against the malguzárs;

(*g*) assessing lands gained by alluvion;

(*h*) ascertaining and recording village cesses which are levied at the time of the passing of this Act, but have not been recorded at the settlement.

B. 166: Act XIX of 1873, s. 93.

Purposes for which officers may be invested with Settlement-officer's powers.

134. The Chief Commissioner may, during the currency of a settlement, invest any officer with the powers conferred on a Settlement-officer by sections forty, forty-one and forty-two; or

with the sanction of the Governor General in Council, with any other of the powers which are by this Act conferred on a Settlement-officer; but not so as to enable him to enhance the amount of an assessment in force under section fifty-seven.

B. 159: B. 10: Act XIX of 1873, s. 142.

Cognizance of, and penalty for, offence of injuring boundary-marks.

135. Any person wilfully erasing, removing or damaging a boundary-mark may be ordered by the Deputy Commissioner or by a Tahsíldár or Naib Tahsíldár empowered by the Chief Commissioner in this behalf to pay such sum, not exceeding fifty rupees, as may in the opinion of the officer making the order be necessary to defray the expense of restoring the same, and of rewarding the person (if any) who gave information of such erasure, damage or removal.

B. 160: Act XIX of 1873, s. 143.

Procedure when person injuring cannot be found.

136. Whenever the person erasing, removing or damaging such mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been ordered to pay, the mark shall be re-erected or repaired at the cost of the proprietors, mortgagees or farmers of such one or more of the adjoining lands as the Deputy Commissioner thinks fit.

New.

Partition of a mahál into two mahâls.

137. Any málguzárs of a mahál who are not co-sharers with the other málguzárs of such mahál in any lands of such mahál except such lands as are under the law relating to partition for the time being in force indivisible, may apply to the Deputy Commissioner to make the lands held by them separately from such other málguzárs a separate mahál; and the Deputy Commissioner shall thereupon make such lands and the lands held separately by the remaining málguzárs separate mahâls, and shall apportion between the two new mahâls thus constituted the entire revenue assessed upon the original mahál.

CHAPTER XII.

VILLAGE-OFFICERS AND PATWÁRÍS.

B. 204.

Power to make rules as to officers.

138. The Chief Commissioner may, from time to time, make rules regulating the appointment, remuneration and dismissal of lambardárs, sub-lambardárs and mukaddams:

No. 1, ¶ 85 Settlement Code, p. 20, para. 42.

Provided that proprietors other than málik-makbúzás shall not be liable to pay, on account of the aggregate remuneration of lambardárs or sub-lambardárs and mukaddams, a sum exceeding five per cent. on the land-revenue which is

assessed on their land or which when their land is revenue-free would, in the judgment of the Deputy Commissioner, be assessed on their land if it was subject to assessment.

In framing rules for the appointment of lambardárs and sub-lambardárs under this section, the Chief Commissioner shall have regard among other matters to local custom and hereditary claims, and to entries on the subject in the Record-of-rights of any mahál.

B. 205. Duties of lambardárs.

139. It shall be the duty of every lambardár and sub-lambardár—

(*a*) to collect and pay into the Government treasury so much of the land-revenue as may under section seventy be payable through him, either solely or jointly with other lambardárs or sub-lambardárs;

(*b*) to collect and pay to the mukaddam, or into the Government treasury, as the Deputy Commissioner may direct, all sums payable through him, either solely or jointly with other lambardárs, or sub-lambardárs, from the mahál to which he is appointed, on account of cash-allowances to patwárís or village-watchmen, or on account of any expenses which the mukaddam is authorized to incur and to recover from such mahál;

(*c*) to assist the mukaddam in obtaining all particulars which he is bound to enter in the annual village-papers, or to report under this Act.

B. 205: Settlement Code, p. 26, para. 43. Lambardárs may recover fees and other charges from proprietors.

140. Lambardárs and sub-lambardárs may recover from the proprietors whom they represent along with the land-revenue—

(*a*) any remuneration to which they are entitled;

(*b*) the sum which, under section one hundred and thirty-nine, they are bound to pay to mukaddams;

Provided that no such recovery shall be made from málik-makbúzás paying a percentage which includes remuneration to mukaddams and lambardárs.

B. 168. Deputy Commissioner may alter channel through which málik-makbúzá pays revenue.

141. On the application of any málik-makbúzá or other like holder of land or of the lambardár or sub-lambardár through whom such málik-makbúzá or other holder of land pays the revenue assessed on his holding, the Deputy Commissioner may, for sufficient cause shown, direct that such revenue be paid through any other lambardár or sub-lambardár, or that it be paid direct into the Government treasury.

Effect of order for payment of revenue direct to Government.

When the Deputy Commissioner orders such payment to be made direct into the treasury, such portion of percentage fixed under section sixty-four as the Deputy Commissioner, subject to the control of the Chief Commissioner, may determine, shall be paid to the Government; and the málik-makbúzá or other person shall pay the rest to the mukaddams on account of fees to mukaddams and other village-expenses.

Duties of mukaddams. B. 206: No. 1, ¶¶ 35 *et seq*: No. 2, ¶¶ 60-62.

142. It shall be the duty of every mukaddam—

(*a*) to control and superintend the village-patwárí and watchmen; to report their deaths or absence from duty; to maintain them in the possession of any lands appertaining to their office; to recover and pay to them any cash allowances to which they may be entitled; and to take such steps as may be necessary to compel them to perform their duties;

(*b*) to furnish reports regarding the state of the village, at such places and times as the Deputy Commissioner fixes in this behalf;

(*c*) to prevent or report encroachments on public paths and roadways;

(*d*) to preserve such stations and marks erected by any Government-surveyor as may be made over to his care;

(*e*) subject to any rules issued by the Chief Commissioner, to keep his village in good sanitary condition;

(*f*) to report the deaths of all persons holding lands wholly or partially free from revenue and of Government-pensioners;

(*g*) to report violations of any rules which the Chief Commissioner may make for the preservation of underwood, forests and trees growing on the village-lands; and for securing to persons entitled to cut wood, and enjoy other privileges in the waste-lands of the village, the rights to which they are entitled;

(*h*) to collect, or aid in the collection of, all Government taxes and dues.

The Chief Commissioner may, from time to time, make rules—

(1) varying or adding to the list of duties which a mukaddam is required to perform under this section; and B. 207.

(2) regulating the liability of persons residing in any village for charges necessarily incurred by mukaddams in the performance of the duties specified in clause (*e*), in respect of such village and for apportioning such charges among such persons.

Liabilities imposed by law on landholders to attach to mukaddams. B. 206.

143. When, by any enactment for the time being in force, any public duties are imposed on, or public liabilities are declared to attach to, landholders, their managers and agents and the like, such duties shall be deemed to be imposed on, and such liabilities shall be held to attach to, mukaddams appointed under this Act:

Provided that nothing herein contained shall discharge landholders, their managers or agents or the like from any liabilities imposed upon them by law. No. 3, ¶ 24.

Power to mukaddams to recover certain expenses incurred. B. 208.

144. Every mukaddam may recover from the lambardárs or sub-lambardárs of the village to which he is appointed his own remuneration, together with any expenses necessarily incurred in the performance of his duties.

Chief Commissioner may make rules as to patwárís. B. 208: Act XXXIII of 1871, s. 6.

145. The Chief Commissioner may, from time to time, make rules—

(*a*) regulating the manner in which patwárís are to be selected; prescribing the conditions under which they may be appointed, and fixing the limits of their circles, and the nature, mode and amount of their remuneration;

(*b*) prescribing the conditions under which substitutes may be appointed for persons having hereditary claims to the office of patwárí, when they are unable to act themselves;

(*c*) prescribing the fines which may be imposed on patwárís and their substitutes for neglect of their duty, and stating the circumstances under which they may be dismissed:

Provided that, except in the case hereinafter mentioned, no proprietor shall be compelled to pay as remuneration to patwárís a sum exceeding six per cent. on the revenue assessed on his land, or which, when his land is revenue-free, would, in the judgment of the Deputy Commissioner, be assessable on his land if it were liable to assessment.

B. 209: Act XXXIII of 1871, s. 6. In framing rules regard to be had to hereditary claims, &c.

146. In making rules under section one hundred and forty-five, the Chief Commissioner shall have regard to conditions and customs recorded in administration-papers and to hereditary claims to the office of patwárís; but in no case shall such conditions or customs or claims be deemed to require the appointment of any patwárí who would otherwise be ineligible for appointment or to prevent the dismissal of any patwárí who would otherwise be liable to dismissal.

B. 210. Chief Commissioner may make rules for guidance of Deputy Commissioners in certain matters.

147. The Chief Commissioner may from time to time make rules for the guidance of Deputy Commissioners in dealing with cases where, at the time of the last preceding settlement, the maintenance of a patwárí was made optional, and the persons settled with are unable to agree as to whether a patwárí should be maintained, and for dealing with cases where no patwárí is, under such option, maintained and the mukaddams or proprietors have made default in the performance of the duties of a patwárí.

Such rules may empower the Deputy Commissioner in the latter class of cases—

(*a*) to impose fines on such mukaddams or proprietors, and therefrom to make provision for the temporary performance of the duties in respect of which they have made default;

(*b*) to appoint patwárís in the villages of such proprietors, either for the term of the settlement or for any shorter term, and to fix the remuneration of such patwárís.

B. 211. Chief Commissioner may define duties of patwárís.

148. The Chief Commissioner may, from time to time, make rules prescribing the duties of patwárís—

(*a*) towards the Government; and may in such rules determine the registers, returns or other papers which they shall keep or furnish, the forms and language in which such registers and returns are to be prepared, the mode of their preparation and attestation, and the dates on which they are to be furnished;

No. 1, ¶ 38. (*b*) towards the members of the village-community; and may in such rules fix the remuneration, if any, other than the fixed emoluments of their office, which the patwárís may demand in respect of the performance of such duties.

Patwárís' papers to be public documents.

All records and documents which patwárís are required to prepare or keep by any rule made by the Chief Commissioner under this section shall be deemed to be public documents and to be the property of Government.

Patwárís to produce papers for inspection, and to deliver them to persons entitled. B. 212: Act XVIII of 1873, s. 95 (*b*).

149. Patwárís shall produce at all reasonable times, for the inspection of all persons interested therein, all records and papers which they are so required to prepare or keep.

Existing officers confirmed. B. 213.

150. All existing lambardárs, sub-lambardárs, mukaddams and patwárís shall, unless the Chief Commissioner otherwise directs, be deemed to have been appointed under this Act. Any sums which officers of these classes are entitled to recover or demand under this chapter may, if the Deputy Commissioner so directs, be recovered in the same manner as an arrear of revenue payable directly to the Government.

Holders of sír-land in Sambalpúr to provide for remuneration of mukaddams. B. 164.

151. In each village of the district of Sambalpúr all persons, other than mukaddams, holding sír-land are bound to provide for the due remuneration of the mukaddam of the village; and the Chief Commissioner may, from time to time, make rules for the enforcement of this obligation.

PART V.

CHAPTER XIII.

MISCELLANEOUS.

Exclusive jurisdiction of Revenue-authorities in matters under this Act. B. 170: Ajmer Land and Revenue Regulation, section 119.

152. Except as otherwise hereinbefore provided,—

(*a*) no Civil Court shall entertain any suit instituted, or application made, to obtain a decision or order on any matter which the Governor General in Council, the Chief Commissioner or a Revenue or Settlement-officer is, by this Act, empowered to determine or dispose of; and

Proceedings under this Act not to be impeached.

(*b*) everything done, ordered or decided under this Act by the Governor General in Council, the Chief Commissioner or a Revenue or Settlement officer shall be deemed to have been duly done, ordered or decided.

For what village-cesses suit lies. Act XIX of 1873, s. 96.

153. No suit shall lie in any Civil or Revenue Court for the recovery of any village cess which has not been recorded at a settlement, or declared to be leviable under section one hundred and thirty-three (*h*) and sanctioned by the Chief Commissioner.

Limitation of claims for compensation in case of waste-land demarcated as property of Government. B. 129.

154. When, at any settlement made prior to the passing of this Act, waste-lands have been demarcated as the property of Government, no claim of any person to, or in respect of, such lands shall be entertained by any Civil Court after the expiration of three years from the date of such demarcation.

B. 158: Act XIX of 1873, s. 141.

Obligations of owners as to boundary-marks.

155. All persons in possession as proprietors, mortgagees or farmers of any land are bound to maintain and keep in repair at their own cost the boundary-marks lawfully erected thereon.

B. 257: Bombay Land-revenue Code, section 94.

Restriction on Revenue and Settlement-officers trading and holding land.

156. No Revenue or Settlement-officer, and no person employed in any Revenue or Settlement-office, shall, except with the express permission of the Chief Commissioner,—

(*a*) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land, in the district to which he is appointed, or in which he is employed;

(*b*) purchase or bid for, either in person or by agent, or in his own name or in that of another, or jointly or in shares with others, any property which may be sold by order of any Revenue-authority in such district.

The Chief Commissioner may delegate to Commissioners of Divisions or to Deputy Commissioners the power of granting the permission mentioned in this section, in the case of any specified class of officers.

B. 184: Act XIX of 1873, ss. 161, 162.

Upon proclamation under section 99 or 104, all sums due as rent or otherwise become payable to Deputy Commissioner.

157. When either of the proclamations mentioned in sections ninety-nine and one hundred and four has been made, and when any land or share is managed or let in farm under section fifty-eight, all sums due to the proprietor in respect of such land or share shall be payable to the Deputy Commissioner, his agent or lessee; and no payment made to such proprietor in anticipation of the usual period for such payment shall, without the sanction of the Deputy Commissioner, be credited to the person making the same in account with the Deputy Commissioner, or his agent or lessee.

Payment to proprietor in anticipation of due date.

B. 185: Act XIX of 1873, s. 163.

Recovery of sums payable to Deputy Commissioner or his agent.

158. All sums which, under section one hundred and fifty-seven, become payable to the Deputy Commissioner or his agent may be recovered as if they were arrears of revenue payable directly to Government.

B. 186: Act XVII of 1876, s. 127.

Recovery of balances due by farmers.

159. When any land has been let in farm under section fifty-eight or one hundred and four, any revenue due from the farmer in respect of such land may be recovered from him or his surety as an arrear of revenue payable directly to Government.

Recovery of revenue due when Act comes into force.

And of money payable under Act.

160. All land-revenue due at the time this Act comes into force, and all money payable to the Government under this Act, shall be recovered from the persons from whom it is due and from their sureties (if any) as if it were an arrear of revenue due under this Act by such persons and their sureties.

Past proceedings for collection of revenue legalised.

161. All proceedings taken before this Act comes into force for the collection of the land-revenue, or the realization of arrears thereof, shall, in so far as they would have been substantially legal if this Act had been in force, be deemed to have been duly taken.

Chief Commissioner may empower persons by name, or confer powers on classes.

162. In conferring powers under this Act the Chief Commissioner may empower persons by name or classes of officials generally by their official titles.

Chief Commissioner may vary or cancel order.

163. The Chief Commissioner may vary or cancel any order conferring powers under this Act.

Chief Commissioner may make rules and attach penalty to breach thereof.

164. The Chief Commissioner may, with the sanction of the Governor General in Council, make rules for carrying out the provisions of this Act in matters not otherwise provided for, and may attach to the breach of any such rule, or of any other rule made by him under this Act, a penalty which may extend to two hundred rupees, or when such breach is a continuing breach, to fifty rupees for each day during which such breach continues.

No rule made by the Chief Commissioner under this Act shall take effect until it has been published in the official Gazette.

All such rules, when so published, shall, in so far as they are consistent with this Act, have the force of law.

SCHEDULE I.

(*See section* 34.)

	Description of suits.
1	Suits for arrears of rent due on account of any rights of pasturage, forest-rights, fisheries or the like, not being suits for arrears under the Central Provinces Tenancy Act, 1880.
2	Suits by lambardárs, for arrears of Government-revenue payable through them by the proprietors whom they represent.
3	Suits by proprietors, for their share of the profits of an estate or any part thereof after payment of the Government-revenue and village-expenses, or for a settlement of accounts.
4	Suits by máfidárs or assignees of Government revenue for arrears of revenue owing to them as such máfidárs or assignees.
5	Suits by superior proprietors for arrears of revenue due to them as such superior proprietors.
6	Suits by zamíndárs and others in receipt of the rent of land against any agents employed by them in the management of land or collection of rents, or against the trustees of such agents, for money received or accounts kept by such agents in the course of such employment, or for papers in their possession.

SCHEDULE II.

(*See section* 2.)

ENACTMENTS REPEALED.

Number and year of Regulation, order, &c.	Title.	Extent of repeal.
Act XII of 1841.	For amending the Bengal Code in regard to sales of land for arrears of revenue.	So much as has not been repealed.
Act I of 1847	For the establishment and maintenance of boundary-marks in the North-Western Provinces and Bengal.	The whole.
Act XXXI of 1858.	To make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.	The whole.

STATEMENT OF OBJECTS AND REASONS.

1. The Land-revenue Administration of the Central Provinces as at this moment carried on rests on an insufficient legal basis. Throughout a considerable portion of the country there is little or no law regarding the settlement and collection of the revenue beyond that which may be considered to be established by ancient usage. In some parts it is doubtful how far any written law applies, and elsewhere the only law is either the "spirit" of certain old Regulations of the Bengal Code, or half-forgotten rules which owe their binding force to the Indian Councils' Act.

2. No inconvenience in practice was felt from this state of things in the earlier days of our rule, when the people scarcely realized the possibility of their having any rights as against their rulers; but of late years the diffusion of legal ideas has placed the landholders and the Government more at arm's-length; the old state of things has shown clear signs of giving way; and the want of a definite system of revenue law, such as exists in all the other settled Provinces of the empire, has come to be felt.

3. To supply this want the present Bill has been prepared. It follows the main lines of the similar laws in force in the North-Western Provinces and elsewhere, except that it is confined as closely as possible to the subject of the land-revenue administration, strictly so called, to the exclusion of certain subjects, such as partition and Courts of wards, which it has been the practice in other Provinces to include in Land-revenue Acts.

It seems unnecessary here to enter into any description of its provisions in so far as they are borrowed from Acts like the North-Western Provinces and Oudh Land-revenue Acts, which have been passed so recently and after so much discussion; and the following remarks will accordingly be confined to such of the leading points of the Bill as are in some sense novel, or otherwise appear to require special notice.

4. It will be observed that the repealing clause (section 2) has been drawn so as to fit in with the similar clause in the Central Provinces Laws Act of 1875, and to sweep away the indefinite mass of old rules and regulations relating to the settlement and collection of the land-revenue which were saved by it; and, as any remnant of these old rules and regulations would, if kept alive, be apt to escape notice and perhaps ultimately lead to complication and difficulty, the clause which is commonly inserted in such Bills, maintaining existing rules in so far as they are consistent with the new law, has been omitted. It is believed that this omission will give rise to no difficulty, as it will rest with the Government to fix the date on which the Act will come into operation, and that date need not be fixed until all rules which it is necessary to make under the Act are ready for issue.

5. Chapter II, relating to Revenue-officers, their powers and procedure, it will be seen, contains no such detailed rules of procedure as are to be found in the North-Western Provinces Act. Most of the Revenue-officers in the Central Provinces preside over Civil Courts, and all have had more or less experience in working under the Code of Civil Procedure. The provisions of that Code, though copious, are simple and untechnical, and it accordingly seems the most convenient course to adopt it as a basis for the procedure of Revenue-officers, as has been done in sections 15(*a*) and 19 of the Bill, power being given to the Chief Commissioner to modify and supplement its provisions as he may think necessary.

6. In section 34 the Panjáb system of empowering the Local Government to invest Settlement-officers with the powers of Civil Courts for the disposal of suits relating to land has been followed, but the ultimate appeal in such suits will lie to the Judicial Commissioner.

7. Section 49, following the principle which it is believed has, from a remote period, been recognized throughout India, and which will be found embodied in the preamble to Regulation XXXVII of 1793 and elsewhere in the Bengal Code, declares that all land, with certain definite exceptions, is liable to be assessed to land-revenue. An express provision of this sort seems desirable in the Central Provinces, where a question has been recently raised as to whether land would not become exempt by being occupied for habitations. There is of course no general intention of assessing the lands in towns or old village-sites. They will be ordinarily excluded from assessment under the power conferred by section 44; but it is obviously desirable that, where lands at present cultivated and assessed are built upon, and yield, as they probably would, a larger profit to their owners than before, they should still remain liable to assessment.

8. In sections 78 and 88 an attempt is made to specify the acts and decisions of a Settlement-officer which may be called in question in a Civil Court, all other such acts and decisions being by section 152 protected from being so challenged; and as, when a matter is liable to be taken in the last resort before a Civil Court, it would be waste of time for the Settlement-officer to enter upon any very elaborate inquiry regarding it, section 78 provides that the investigation in the cases to which it refers shall be a summary one, the Settlement-officer being required to make only such inquiry as he thinks fit, and not being *bound* to hear any party concerned or receive any evidence tendered.

9. Sections 88 and 89 deal with cases in which, at settlements made before the passing of the Act, the proprietary right in land has been awarded by a Settlement-officer to some person on the ground that he was the person who, of all others, had the interest in the land most nearly approaching to ownership. They provide that no person whose claims to such land were considered and rejected by the Settlement-officer shall be permitted to impeach his award; but that any one whose claim was not so considered may institute a suit to establish it; and that, if he can prove that he was entitled to an interest in the land similar to that in consideration of which the proprietary right was awarded, the Court may declare him to be a proprietor.

10. Section 108 states, somewhat differently from the Land-revenue Acts at present in force, the nature of the estate taken by a purchaser of land sold for arrears of revenue due upon it. The interest taken by such a purchaser is described to be "the full proprietorship, or superior or inferior proprietorship, as the case may be, free from all liens, leases and incumbrances," &c.; but among other matters saved by the clause which follows are "the rights of any proprietor "superior or inferior to the defaulters, or of any málik-makbúzá or occupancy-tenant, who does not "derive his rights as such from express contract with such defaulters or any person through "whom they claim."

11. Section 116, following and enlarging upon section 158 of the Oudh Land-revenue Act, 1876, provides that any lambardár entitled to recover an arrear of Government revenue, or any málguzár entitled to recover an arrear due under a sub-settlement, may, instead of instituting a suit to recover such arrear, apply to the Deputy Commissioner to recover it on his behalf by any of the processes provided by the Act for the recovery of revenue on behalf of the Government. It will be in the discretion of the Deputy Commissioner to comply with such application or not as he thinks fit, and he will probably comply with it, as a rule, in cases where the applicant has done his best to collect the arrear, and undue trouble and expense would be caused to him by instituting a suit to recover it.

12. Section 117 deals somewhat differently from the North-Western Provinces Act with the important question of the right of the málguzárs to resume revenue-free grants made by them or their predecessors in interest. It is quite conceivable that an improvident proprietor might by such grants alienate so much of the revenue which he was entitled to collect as to put it beyond his power in a bad year to meet the demands of the Government against him. The Government revenue might, no doubt, ultimately be secured by the sale of the mahál, but it is obviously desirable to devise some means of avoiding so trenchant a process.

There would be a difficulty about refusing to recognize grants heretofore made perhaps for a valuable consideration; but it is believed that such grants are not very numerous in the Central Provinces, and may safely be left to their operation. As regards grants made after the Bill becomes law, there need be no hesitation in declaring them voidable, and this is in effect what the Bill does.

13. Section 119 of the Bill follows the 148th section of the North-Western Provinces Act in providing that no interest shall be charged on an arrear of Government revenue, but it allows a Court to award interest on an arrear of revenue due under a sub-settlement.

14. Section 123, which empowers the Chief Commissioner to direct that any rule, custom or condition entered in a Record-of-rights shall be enforced by fine, is new. It is believed that it will be found useful in many cases where the persons for whose benefit a provision of a Record-of-rights is intended might, owing to their not being parties to such record, or for some other reason, not be in a position to enforce it, or where, in order to enforce such a provision by a suit, it would be necessary to join, perhaps, all the inhabitants of a village as parties.

15. Section 137 is the only section of the Bill dealing with partition, and it is confined to the only species of partition which it is conceived can properly find a place in a Land-revenue Act, namely, the separation into two separate mahâls of two portions of a mahâl which are held in severalty.

When two parties in a mahâl, holding their lands in common, desire to sever their joint and several liability for the revenue, they must, under the Bill, as under the law at present in force in the North-Western Provinces and elsewhere, first obtain a partition of their lands; but this partition is a matter with which the Revenue-administration has no direct concern. It might be, and sometimes is, sought like a partition of house-property or any other property, without any view to the dissolution of the joint and several liability to Government, and, accordingly, though it is intended that partitions of revenue-paying land should continue to be effected as heretofore through the Revenue-officers, as the authorities best qualified to undertake such an operation, it has been determined to relegate these partitions to a separate Bill, which it is hoped will shortly be placed before the Council, and to deal in the present Bill only with dissolution of the joint and several obligations of the málguzárs.

16. The office of mukaddam, which the 12th chapter of the Bill proposes to establish, is in most districts of the Central Provinces somewhat of a novelty. Up to the period of the recent settlements, villages in the Central Provinces were ordinarily held by a single málguzár or farmer, with whom the Government could deal on behalf of the village; but now, as Mr. James has observed, "the zamíndárí tenure with its single head will yearly give way to [illegible] with its several heads," and the responsibility for the performance of the many [illegible] on a village headman will thus become inconveniently split up. Moreover, in some districts large tracts of country are bought up by town-capitalists, and thus many villages are left without a responsible head at all. To remedy this, the Bill provides for the appointment for each village of a single representative headman (called a "mukaddam"), to whom the Government can look for the performance of the important duties which the custom of the country attaches to the land, and to whom the community can refer as a head when united action is required of it. When there are resident lambardárs, the person appointed to the office of mukaddam would ordinarily, but not necessarily, be one of them.

The 6th July, 1880.

C. GRANT.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[Third publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd July, 1880, and was referred to a Select Committee:—

No. 12 of 1880.

THE PETROLEUM BILL, 1880.

CONTENTS.

PREAMBLE.

Preliminary.

SECTIONS.

1. Short title.
Commencement.
Local extent.
2. Repeal of enactments.
3. Interpretation-clause.

First class and second class Petroleum.

4. Power to make rules as to the importation of first and second class petroleum.
5. Possession and transport of first and second class petroleum.
6. Power to make rules as to such possession and transport.

Dangerous Petroleum.

7. Dangerous petroleum in quantities exceeding 40 gallons.
Application for license to import, transport or possess such petroleum.
Power to grant license.
8. Dangerous petroleum in quantities not exceeding 40 gallons.
9. Application of sections 4 and 6.

Petroleum generally.

10. Vessels containing petroleum to be marked.
11. Power to inspect and require dealer to sell samples.
12. Notice to be given when officer proposes to test samples.
13. Certificate as to result of such testing.

Penalties.

14. Penalty for illegal importation, &c., of petroleum.
15. Penalty for keeping, &c., petroleum in contravention of section 10.
16. Penalty for refusing to comply with section 11.
17. Confiscation of petroleum.

Miscellaneous.

18. Rules when to have force of law.
19. Power to extend this Act to other substances.

THE SCHEDULE.

A Bill to regulate the importation, possession and transport of Petroleum and other substances of a like nature.

Preamble.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other substances of a like nature; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Petroleum Act, 1880";

Commencement.

and it shall come into force on the first day of January, 1881. Committee's recommendations, para. 1.

Local extent.

The provisions of this Act relating to—

(*a*) dangerous petroleum, and

(*b*) the importation of first class and second class petroleum,

extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, from time to time, by notification in the official Gazette, direct.

Repeal of enactments.

2. The Indian Ports Act, 1875, section thirty-seven, and Bengal Act No. III of 1865 (*to make better provision for the prevention of injury from fire in ports, and to provide for the safe keeping of inflammable oils in ports and places within the Provinces under the control of the Lieutenant-Governor of Bengal*) are hereby repealed.

Interpretation-clause.

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

"Petroleum."

"Petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid that is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum. 34 & 35 Vic., c. 105, s. 3, with additions from Committee's report.

But does not include any oil ordinarily used for lubricating purposes, and having its flashing point at or above two hundred and fifty degrees of Fahrenheit's thermometer. Committee's recommendations, para. 3.

Explanation.—The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested with the apparatus and in the manner described in the Schedule hereto annexed. Committee's recommendations, para. 4.

"First class petroleum."

"First class petroleum" means petroleum having its flashing point at or above one hundred and three degrees of Fahrenheit's thermometer: Committee's recommendations, para. 6.

"Second class petroleum."

"Second class petroleum" means petroleum having its flashing point at or above eighty-three, but below one hundred and three, degrees of Fahrenheit's thermometer:

"Dangerous petroleum."

"Dangerous petroleum" means petroleum having its flashing point below eighty-three degrees of Fahrenheit's thermometer:

"Import."

"Import" means to bring into British India by sea or land:

and "importation" means the bringing into British India as aforesaid.

"Transport."

"Transport" means to remove from one place to another within British India:

"Ship."

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

"Master" includes every person (except a Pilot or Harbour Master) having for the time being the charge or control of a ship:

"Master."

"Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a Magistrate of the first class or (when specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class: and

"Magistrate."

"Owner" includes also any agent to whom a ship is consigned.

"Owner."

First class and second class Petroleum.

Committee's recommendations, paras. 12 to 20.

Power to make rules as to the importation of first and second class petroleum.

4. The Local Government may, from time to time, make rules to regulate the importation of first class petroleum and second class petroleum; and in particular—

(*a*) for ascertaining the quantity and description of any such petroleum on board a ship.

(*b*) to provide for the delivery by the master of a ship of samples of such petroleum and for the testing thereof before such petroleum is landed from such ship;

(*c*) to determine the places at which only such petroleum may be landed; and

(*d*) to regulate the time and mode of, and the precautions to be taken on, landing or transhipping any such petroleum.

Possession and transport of first and second class petroleum.

5. No quantity of first class petroleum exceeding five hundred gallons, and

no quantity of second class petroleum exceeding forty gallons,

shall be kept by any one person or on the same premises or shall be transported except under and in accordance with the conditions of a license granted under this Act.

Power to make rules as to such possession and transport.

6. The Local Government may from time to time make rules as to the granting of licenses to possess or transport first and second class petroleum in cases where such licenses are by law required.

Such rules may provide for the following among other matters, that is to say:—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of licensed premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which such petroleum shall be packed, the mode of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*j*) the time during which it is to continue in force; and

(*k*) the renewal of the license.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

7. No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

Application for license to import, transport or possess such petroleum.

Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of such petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that such petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for such purpose.

Power to grant license.

If the Local Government sees reason to believe that such petroleum will be used for such purpose and that no petroleum other than dangerous petroleum can be used for such purpose, it may grant such license for the importation, transport or possession (as the case may be) of such petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding 40 gallons.

8. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of such petroleum kept by any one person or on the same premises or transported does not exceed three gallons and such petroleum is placed in separate glass, earthenware or metal vessels each of which contains not more than a pint and is securely stopped. 34 & 35 Vic., c. 105, s. 8.

Applications of sections 4 and 6.

9. Except as hereinbefore provided, the provisions contained in sections four and six in respect of first and second class petroleum shall apply also to dangerous petroleum.

Petroleum generally.

Vessels containing petroleum to be marked.

10. All petroleum— 34 & 35 Vic., c. 105, s. 6.

(*a*) which is kept at any place after seven days from the date on which it is imported,

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels which shall bear an indelible mark or label in conspicuous characters, stating what description of petroleum herein specified the same is. Cf. Act I of 1878, s. 9.

Power to inspect and require dealer to sell samples.

11. Any officer specially authorized in this behalf by the Local Government may require any dealer in petroleum to show him any place, and any of the vessels, in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same and to deliver to him samples 34 & 35 Vic., c. 105, s. 11.

of such petroleum on payment of the value of such samples.

34 & 35 Vic., c. 105, s. 11.

Notice to be given when officer proposes to test samples.

12. When any such officer has, in exercise of the powers conferred by section eleven, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to such dealer informing him that he is about to test such sample or cause the same to be tested with the apparatus and in the manner described in the Schedule hereto annexed, at a time and place to be fixed in such notice, and that such person or his Agent may be present at such testing.

Ibid.

Certificate as to result of such testing.

13. On any such testing, if it appears to the officer or other person so testing that the petroleum from which such sample has been taken is first class, second class, or dangerous petroleum, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession such petroleum was found; and shall be *primâ facie* proof of the fact stated therein.

Penalties.

Penalty for illegal importation, &c., of petroleum.

14. Any person who, in contravention of this Act or of any rules made hereunder, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted hereunder, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

34 & 35 Vic., c. 105, s. 63.

Penalty for keeping, transporting or exposing for sale petroleum in contravention of section 10.

15. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not marked as prescribed by section ten shall be punished with fine which may extend to fifty rupees.

34 & 35 Vic., c. 105, s. 12.

Penalty for refusing to comply with section 11.

16. Any dealer in petroleum who refuses or neglects to shew to any officer authorized under section eleven any place, or any of the vessels, in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of such petroleum on payment of the value of such samples, shall be punished with fine which may extend to two hundred rupees.

Cf. Act I of 1878, s. 11.

Confiscation of petroleum.

17. In any case in which an offence under section fourteen or section fifteen has been committed, the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting or is in possession of any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting, or is in possession of,

shall be confiscated.

Miscellaneous.

Rules when to have force of law.

18. All rules made by the Local Government under this Act shall be published in the official Gazette, and shall thereupon, so far as they are consistent with this Act, have the force of law:

Provided that no such rule shall be so published without the previous sanction of the Governor General in Council.

Power to extend this Act to other substances.

19. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, extend the whole or any portion of this Act to any inflammable substance other than petroleum, and may by such notification fix, in substitution for the quantities of petroleum fixed by sections five, seven and eight, the quantities of such substance to which these sections shall apply. 34 & 35 Vic., c. 105, s. 14.

The Governor General in Council may by a like notification cancel any notification issued under this section.

THE SCHEDULE.

Specification explanatory of the Test Apparatus.

The following is a description of the details of the apparatus:— Committee's recommendations, paras. 8, and 42 & 43 Vic., c. 47.

The oil cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top, and $1\frac{7}{8}$″ from the bottom, of the cup. It is made of gun metal or brass (17 B. W. G.), tinned inside. A bracket, consisting of a short stout piece of wire, bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B. W. G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions, upon which it may be made to oscillate: it is provided with a spout the mouth of which is $\frac{1}{16}$″ in diameter. The socket which is to hold the thermometer is fixed at such an angle, and its length is so adjusted, that the bulb of the thermometer, when inserted to its full depth, shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of, and in line with, the mouth of the lamp, is fixed a white bead the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B. W. G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are

soldered to a circular copper plate (20 B. W. G.) perforated in the centre, which forms the top of the bath, in such a manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about ⅜″, that is, its diameter is about ⅝″ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath of the oil lamp is 1½″. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B. W. G.), flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is 6½″. One of the three legs of the stand serves as support for the spirit lamp, attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1″.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way; it is fitted with a metal collar fitting the socket, and the part of the tube below the scale should have a length of about 3½″ measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb 2¼″.

NOTE.—A model apparatus is deposited at the office of the Master of the Mint, Calcutta.

Directions for applying the Test.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water-bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water-bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65°, the samples to be tested should be cooled down (to about 60°) by immersing the bottle containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is put into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum,* which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66°, the operation of testing is to be commenced, the test flame being applied once for every rise of one degree in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water, to a depth of 1½ inches, and the heating vessel or water-bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

* This pendulum is two (2) feet in length from the point of suspension to the centre of gravity of the weight.

STATEMENT OF OBJECTS AND REASONS.

FOR some time past the dangerous nature of the inflammable oils which are being imported into this country has been engaging the attention of Government. In November, 1878, the notice of the Government of India was first drawn to the subject by the Government of Bombay, with a view, if necessary, to legislation being resorted to to check the importation of dangerous oils. On a reference being made to the Government of Bengal as to the expediency of such legislation, it was found that the subject had already been for some time before that Government, and that a Committee had been appointed for the purpose of considering the question of these oils in all its bearings. This Committee, which was composed of officials, experts and gentlemen interested in the trade, has presented its report, in which it strongly urges the necessity for legislation, and puts forward certain recommendations as to the lines on which in its opinion such legislation should proceed.

2. These recommendations follow, with certain modifications, introduced to meet the special circumstances, climatic and otherwise, of India, the outlines of 34 & 35 Vic., cap. 105 (since amended by 42 & 43 Vic., cap. 47), which is the principal Act governing this subject in the United Kingdom. They appear well adapted to carry out the object which the Committee had in view, namely, practical security of life and property, with the minimum of restrictions on an important and rapidly developing trade.

3. The following is the general substance of the conclusions of the Committee:—

1st.—All petroleum should be divided into three classes, namely,—

(*a*) first class petroleum with a flashing point at or above 103° F.;
(*b*) second class petroleum with a flashing point between 83° and 103° F.;
(*c*) dangerous petroleum with a flashing point below 83° F.
} According to Abel's close test.

2ndly.—All petroleum should be tested by Abel's close test, which has recently been adopted in the United Kingdom (see 42 & 43 Vic., cap. 47, the Petroleum Act, 1879), for the purposes of the Petroleum Act, 1871, in preference to the old or open test which was fixed by that Act.

3rdly.—As second class petroleum flashes only at a temperature of 83°, or 10° higher than the temperature (73°) at which petroleum is considered safe enough to be exempted from the provisions of the English Petroleum Act (see 42 & 43 Vic., Cap. 47), and may therefore be regarded as at all events fairly safe, the importation, storage and transport of such petroleum, as well as of first class petroleum, should be left reasonably free, while the importation, storage and transport of dangerous petroleum, if not actually prohibited, should be subjected to such severe restrictions as practically to be so for purposes of ordinary use.

4. The Government of India has considered this report, and is disposed to concur generally in its conclusions and in the scheme of legislation contained in the Committee's recommendations. As the Government of Madras and the Chief Commissioner of Burma, as well as the Governments of Bombay and Bengal, are in favor of legislation, the Government of India is willing to accept the recommendation of the Committee that the legislation to be undertaken should be in the Council of the Governor General, and accordingly the present Bill, which embodies generally the recommendations of the Committee, has been prepared.

5. As it seems desirable to check at once, and generally, the trade in dangerous petroleum (and it would be unfair if all ports were not put on the same footing as to the importation of first class and second class petroleum), the provisions of the Bill relating to dangerous petroleum and the importation of first class and second class petroleum are made to extend to the whole of India; but its other provisions are only applicable at the discretion of the Local Government.

The details of the measure have been left in a great measure to rules to be framed by the Local Government, with the sanction of the Governor General in Council, as this seems the most convenient course in a case of this sort, where the local circumstances and peculiar features of the trade of various places have to be considered.

6. A section has been added to the Bill corresponding with section 14 of 34 & 35 Vic., cap. 105, enabling the Governor General in Council hereafter to extend the Act to substances other than petroleum, and to adapt certain of the provisions of the Act to the case of such substances.

7. The length of the pendulum which was by an oversight omitted from the description of Professor Abel's test in the first schedule to the 42 & 43 Vic., cap. 47, has been inserted in a foot-note to the schedule of the Bill on information furnished by Mr. Pedler.

8. The opportunity has been taken to repeal the thirty-seventh section of the Indian Ports Act relating to inflammable oils, and Bengal Act No. III of 1865, which regulates in Calcutta and Howrah the importation and storage of inflammable oils, as the present Bill will make those enactments unnecessary.

WHITLEY STOKES.

The 3rd July, 1880.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1880, and was referred to a Select Committee :—

No. 13 of 1880.

A Bill for the determination of claims to Táj Mahal's pension.

Preamble.

WHEREAS by a treaty dated the 24th Shabán 1244, Hijrá, corresponding with the first day of March 1829, and made between His Majesty the King of Oudh and the Government of the Hon'ble the East India Company, it was (amongst other things) agreed that a certain pension therein specified should be paid by the English Government to one Nawáb Táj Mahal therein named, and that if she should die leaving an heir or heirs the English Government might at its election continue as before such pension to her heirs, or make over to them the principal sum proportionate to such pension according to the rate thereinbefore mentioned;

and whereas the said Táj Mahal is now dead and doubts exist as to who are her heirs, and it is therefore expedient to provide for the appointment of a person to represent her estate for the purpose of receiving such pension;

and whereas the Secretary of State in Council is desirous of making over to the persons entitled to receive the said pension the principal sum proportionate thereto as provided in the said treaty, and it is expedient to empower the said Secretary of State in Council to capitalize the said pension pending the appointment of a person as aforesaid; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "Táj Mahal's Pension Act, 1880"; and it shall come into force at once.

Cf. Act XXVII of 1860, s. 2.

No obligation to pay except on production of certificate.

2. The Secretary of State for India in Council shall not be bound to pay the said pension or any portion thereof to any person claiming the same, except on the production by such person of a certificate, granted in the manner hereinafter provided, authorizing him to receive the same.

Cf. Act XXVII of 1860, s. 3.

Certificate to be obtained by application to the District Court.

3. Any person considering himself entitled to the said pension or any portion thereof may apply in writing to the Court of the District Judge of Lucknow (hereinafter called the District Court) for a certificate authorizing him to receive the same.

Form of application.

The application shall be in such form and shall contain such particulars as the Governor General in Council may from time to time, by rules to be published in the *Gazette of India*, direct.

Publication of application and notice to persons desiring to oppose it.

4. The District Court shall fix a day for hearing the application, and shall cause to be stuck up in the court-house and otherwise published or made known at the expense of the applicant in such manner as it thinks fit a copy of the application, with a notice stating the time and place at which it will be heard, and calling upon all persons claiming to have a better right than the applicant to the grant of the certificate to come in and oppose the application.

Procedure at hearing when no opposition.

5. On the day so fixed or any subsequent day to which the Court may adjourn the hearing, the Court shall, if no person claiming to have a better right than the applicant to the grant of the certificate is present, hear the application; and if, after recording the evidence produced by the applicant, in support of his claim and making such further enquiry (if any) as it thinks necessary, the Court is of opinion that the applicant has established his claim, it shall make an order for granting him a certificate.

In the event of the applicant not having, in the opinion of the Court, established such claim, it shall make an order dismissing his application.

Procedure in case of opposition.

6. In any case in which any person claiming to have a better right than the applicant to the grant of the certificate is present, the Court shall, after hearing the application and recording the evidence produced by the applicant in support of his claim, hear such person and record the evidence produced by him in support of his claim, and shall then, after making such further enquiry (if any) as it thinks necessary, determine which of the parties (if either) has established his claim to the certificate, and shall make an order for granting the same accordingly.

In the event of neither party having, in the opinion of the Court, established his claim, the Court shall make an order dismissing both the application and the counter-claim.

Appeal to the High Court.

7. When any order dismissing an application under section five or any order under section six is made, an appeal shall lie by any party to the proceedings who deems himself aggrieved by such order to the High Court, which may make an order dismissing such appeal or granting a certificate, or otherwise reversing or varying the order of the District Court as it thinks fit.

Period of limitation for appeal.

8. The period of limitation for an appeal under section seven shall be sixty days from the date of the order appealed against.

In computing such period, and in all respects not herein specified, the limitation of such appeal shall be governed by the provisions of the Indian Limitation Act, 1877.

Form of certificate.

9. A certificate granted under this Act shall specify the payments which the person to whom it is granted is entitled to receive, and shall contain such other particulars as the Governor General in Council may from time to time prescribe in this behalf.

Effect of certificate. Act XXVII of 1860, s. 5.

10. (*a*) A certificate granted by the District Court under section five, or by the High Court on appeal under section seven, or

(*b*) when a certificate has been granted under section six and the period of limitation fixed by section eight has expired without the institution of an appeal, such certificate

shall, while it remains in force, be conclusive evidence against the said Secretary of State in Council of the right of the person to whom it has been granted to receive the payments specified therein, and shall, unless or until it is rescinded and the authority rescinding it has given to the said Secretary of State in Council notice of such rescision, empower such person to give to the said Secretary of State in Council a full discharge for any such payment.

Act XXVII of 1860, s. 6, para. 2.

Right of third parties against holder of certificate saved.

11. Nothing herein contained shall be deemed to affect the right of any person to recover by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate.

Act XXVII of 1860, s. 5.

Court may take security from grantee of certificate.

12. The Court ordering any certificate to be granted under this Act may, if it thinks fit, direct that before such certificate is granted, such security (if any) as it thinks necessary shall be taken from the person to whom such certificate is to be granted, for his rendering an account of the payments to be received by him in virtue of such certificate to any person who may be entitled to recover from him in manner referred to in section eleven the whole or any part of such payments.

Act XXVII of 1860, s. 5, para. 2.

Court may grant fresh certificate to person who has recovered by regular suit amount paid to holder of old certificate.

13. The District Court may, on the application of any person who has recovered by suit from the holder of a certificate the amount of any payment made to him in virtue of such certificate, grant a certificate to such person in supersession, wholly or in part, as the case may be, of the former certificate.

No appeal shall lie from any order under this section.

Act X of 1865, s. 298.

Effect of fresh certificate.

On the grant of a fresh certificate under this section the former certificates shall be deemed to be rescinded wholly or in part (as the case may be).

Proceedings to be regulated by Code of Civil Procedure.

14. In all proceedings under this Act the District Court and the High Court shall, as far as may be and except as herein otherwise provided, exercise the powers and follow the procedure conferred on and prescribed for a Court of first instance and a Court of appeal respectively by the Code of Civil Procedure: Provided that nothing contained in chapter XLV of the said Code shall apply to any order made in any such proceeding.

Matters decided in civil suits to be treated as *res judicata*.

15. The provisions of section thirteen of the said Code shall apply to all cases under section six of this Act in which the question of heirship to the said Táj Mahal, having been directly and substantially in issue in a suit in a Court of competent jurisdiction between the claimants, or between parties under whom they or any of them claim, has been heard and finally determined by such Court.

Indemnity as to payments already made.

16. All payments heretofore made by or on behalf of the said Secretary of State in Council under the said treaty shall be deemed to have been made in accordance with law: Provided that nothing in this section shall affect the right of any person to recover by suit the amount of any such payment from the person to whom the same has been made.

Government empowered to capitalize the amount of the pension.

17. The said Secretary of State in Council may, pending the grant of a certificate as hereinbefore provided, invest in securities of the Government of India the principal sum proportionate to the pension of the said Táj Mahal according to the rate mentioned in the said treaty.

On capitalization, all claim to pension barred.

And, thereupon, all further claim to such pension shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall be entitled in lieu of such pension to the Government Securities in which the principal sum proportionate to such pension has been invested.

STATEMENT OF OBJECTS AND REASONS.

Treaty dated the 24th Shabán, 1244 Hijrá, corresponding with the 1st day of March, 1829, and made between His Majesty the King of Oudh and the Government of the Honourable the East India Company in respect to a sum His Majesty has advanced in loan.

In the year 1829 the then King of Oudh lent to the East India Company the sum of sixty-two lákhs and forty thousand rupees on the terms embodied in the treaty noted in the margin. The only part of its provisions which it is here necessary to notice is that by which the Company undertook to pay interest on the loan at the rate of five per cent. per annum, and further to pay a certain portion of this interest by way of what is called in the document a "pension" to a lady known as Táj Mahal during life, and on her death, in certain events, to her heirs, with the option, however, of paying to such heirs a principal sum proportionate to the pension of Táj Mahal instead of continuing to them such pension.

2. Táj Mahal is now dead; and no less than five persons who claim to be her heirs, and therefore entitled to succeed to her pension, have come forward. Even if all these claimants were to settle their rights in the Courts of law and some one of them was to obtain a decision declaring him to be the heir, the Government could not be sure that he was the right heir; for the family is so scattered, and there are such contradictory accounts of its history, that some other claimant might at any moment start up.

3. The present Bill has been prepared to remove this difficulty. It enacts that the Government shall not be bound to make any payment under the treaty to any person claiming as heir to Táj Mahal unless he produces a certificate to be granted by the Civil Court authorizing him to receive such payment; it provides full and complete indemnity to Government when it makes any such payment to any person producing such certificate, and it carefully preserves the rights of third parties against the persons to whom such payments may be made. A simple procedure is prescribed for

the Civil Court in matters relating to the grant of a certificate; and an appeal within a certain limited period is given from its decision to the Court of the Judicial Commissioner, whose decision is to be final. All payments under the treaty which may heretofore have been made by the Government are validated.

4. Lastly, the Bill provides for the capitalization of the pension contemplated by the treaty being carried out in anticipation of the grant of the certificate. The Government is not bound to continue paying to the pensioners the present high rate of interest, but might, under the terms of the document, pay off the capitalized value of the pension at once. As the Government certainly would do this if it could ascertain who the rightful heir is, the claim of any heir succeeding is practically a claim for the capital.

B. W. COLVIN.

The 24th July, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1880, and was referred to a Select Committee:—

No. 14 of 1880.

THE CENTRAL PROVINCES TENANCY BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

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

CHAPTER II.

OF CERTAIN RELATIONS BETWEEN LANDLORDS AND TENANTS IN GENERAL.

(A).—*Of Rent generally.*

4. Presumption that rent continues unchanged.
5. Date from which orders changing rents operate.
6. Dates on which rents are payable.
7. Tenant may in certain cases deposit rent with Revenue-officer.
8. Deposit to be deemed a payment to the landlord.
Revenue-officer how to deal with deposit.
9. Penalty for exaction by landlord.
For not giving receipt.
10. Suspension or remission of rent in certain cases of drought, &c.
11. No rent to be less than the revenue.
12. Special rule as to contracts fixing rent in Chánda and Nimár.

(B).—*Of Rents taken by Division or Estimate of the Crops.*

13. Procedure for dividing or estimating crops.
14. Appointment of assessors.
15. Remedy for error in division.
16. Effect of estimate.

(C).—*Of the Landlord's Lien upon the Produce of a Tenant's Holding.*

17. Definitions.
18. Priority conferred on attachments of crops made by landlords.
19. Tenant may reap attached crops.
20. Sale of produce of tenant's holding to be deferred in certain cases.
21. Retention of sale-proceeds by the Court in certain cases.
22. Attachment before judgment in suits for arrears.

SECTIONS.

(D).—*Of Surrender and Abandonment by Tenants.*

23. Notice of surrender to be given by tenant.
24. Tenancy when terminated by such notice.
25. Consequences of irregular surrender or abandonment.
26. Surrender to be of the entire holding.

(E).—*Of Ejectment.*

27. No ejectment by landlord except as herein provided.
28. Ejectment by Civil Court—
(a) in execution of decree for ejectment;
(b) in execution of decree for arrears;
(c) on an application under certain provisions of this Act.
29. Ejectment in execution of a decree for arrears.
30. Application to a Civil Court to eject.
31. Procedure thereon.
32. Rights of tenant in respect of crops and land prepared for sowing.
33. Payment by tenant for occupation of land under section 32.
34. Account to be taken generally between landlord and tenant.
35. Procedure when, on ejectment, money has to be paid by the landlord to the tenant.
36. Transfer of holding while suit for arrears is pending.
37. When proceedings to eject to be stayed.
38. Remedy of tenant illegally ejected.

(F).—*Of Improvements and Compensation therefor.*

39. Preferential right to improve.
40. Compensation for improvements payable to tenants on ejectment.
41. Principle on which compensation to be assessed.
42. Shape in which compensation may be given.
43. Agreements not to make improvements, &c., void.
44. Certain entries in Records-of-rights to be void.

(G).—*Case of several Persons, Landlords of the same Land.*

45. Appointment of person to act on behalf of several landlords.
46. Person appointed under section 45 deemed sole landlord.
47. Rents in which two or more persons are interested as landlords.

(H).—*Miscellaneous Provisions.*

48. Presumptions in suits and proceedings between landlords and tenants.
49. Relation between landlord and sub-lessee of tenant ejected or surrendering.
50. Landlord or tenant may require that terms of tenancy be reduced to writing.
51. Procedure on application under section 50.
52. If order to execute any instrument is neglected, Revenue-officer may execute it.
53. Applications to measure or ascertain condition of holdings.
54. Leases may be avoided when assessment is changed.

CHAPTER III.

OF ORDINARY TENANTS.

(A).—*Preliminary.*

55. Presumption as to ordinary tenancies.

SECTIONS.

(B).—*Of Ejectment.*

56. Notice of ejectment.
57. Procedure when right to eject is disputed.
58. When protection-order may be granted.
59. Declaration of right to eject when to be made.
60. Time for ejectment on declaration under section 59.
61. Tenant may apply for order prohibiting ejectment.
62. Remedy of tenant ejected by landlord.
63. Procedure in such cases.
64. Protected tenant may be ejected in subsequent year.
65. Certain entries in Record-of-rights declared void.

(C).—*Of the Rent payable by Ordinary Tenants.*

66. Rent payable by ordinary tenants.
67. Diminution of area of holding.
68. Rents payable by protected tenants.
69. No Court to determine rent payable by ordinary tenants except under Act.
70. Sub-letting.

CHAPTER IV.

OF TENANTS FOR A FIXED TERM.

71. Ejectment on expiry of term.
72. Sub-letting.

CHAPTER V.

OF TENANTS WITH A RIGHT OF OCCUPANCY.

(A).—*Of the Acquisition of the Right of Occupancy.*

73. Ex-proprietors of sír-land.
74. Persons recorded as occupancy-tenants.
75. Twelve years' rule.
76. Case of lands re-distributed in accordance with village-custom.
77. Tenant changing land in other cases.
78. Tenants in Chánda and Nimár.
79. Tenants in Sambalpúr.
80. Tenant not barred from claiming right of occupancy acquired by contract.

(B).—*Of Succession to and Transfer of the Right of Occupancy and of Sub-letting.*

81. Descent of occupancy-right.
82. Right of transfer.
83. Effect of entries in Record-of-rights.
84. Right to sub-let.
85. Occupancy-tenant agreeing to transfer or sub-let under belief of his power to do so.

(C).—*Of the Rent payable by Tenants with a Right of Occupancy.*

86. Rent of occupancy-tenant changeable in two ways only.
87. Power to fix money rent where not fixed at, or since, settlement.
88. Certain rents to be deemed to have been fixed under section 87.
89. Enhancement of rent fixed under section 87.
90. Abatement of such rent.
91. Rents of certain tenants not to be changed on certain grounds.
92. Restriction on agreements by tenants in Sambalpúr.
93. Power to make rules for determining rents.

SECTIONS.

94. Settlement-officer may commute rents payable in kind.

(D).—*Miscellaneous.*

95. Certain tenants declared to have preferential right to improve.
96. Presumption that provisions of chapter apply.
97. *Quasi* occupancy-tenants.

CHAPTER VI.

JURISDICTION AND PROCEDURE.

98. Cognizance of certain applications.
99. Procedure on such applications.
100. Jurisdiction of Civil Courts.
101. Certain suits may be entered in separate register.
102. Plaint in such suits.
103. Allowance of pleaders' fees optional.
104. Recovery of penalties under section 9.
105. Changes made in Limitation Act as to period of appeals.
106. When proceedings in suit for arrears may be stayed.
107. Set-off.
108. Interest on arrears.
109. No process of execution to issue on decree for arrears after lapse of three years from date thereof.
110. No appeal in certain arrear-cases.
111. Limitation of suits by tenants to recover possession.

SCHEDULE.

Abbreviations used in the margin.

Nos. 1, 2, 3 and 4 refer to the papers relating to the Bill.

B. 1, B. 2, &c., refer to the sections of the amended draft of Mr. Jones' Bill prepared while Mr. F. Cockerell had charge of the Bill.

A Bill to consolidate and amend the law relating to agricultural tenancies in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Tenancy Act, 1880."

Local extent.

It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in Part VI of schedule I of the Scheduled Districts Act, 1874; B. 1.

Commencement.

and it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may fix in this behalf.

Enactments repealed.

2. The enactments specified in the schedule hereto annexed are repealed. B. 2.

Suits and applications instituted and made under any such enactment, and pending at the time this Act comes into force before any officer before whom they would have been instituted or made if this Act had been in force, shall be deemed, so far as may be, to have been respectively instituted and made under this Act.

Interpretation-clause.

B. 3.

3. In this Act, unless there is some thing repugnant in the subject or context, the following words and phrases shall be construed as next hereinafter provided, that is to say:—

"Land."

(1) "Land" means land which is let or occupied for agricultural purposes, or for purposes ancillary to agriculture, and includes the sites of buildings appurtenant to such land:

"Tenant."

(2) "Tenant" means a person who holds land of another person and is, or but for a special contract would be, liable to pay rent for such land to such other person. But it does not include a farmer, thikadár or other similar lessee of a whole village or a portion thereof not being less than one half.

Explanation.—An inferior proprietor is not, as such, a tenant.

"Landlord."

(3) "Landlord" means the person of whom a tenant holds land, and to whom such tenant is, or but for a special contract would be, liable to pay rent for such land; but when the right to receive rent, or any other right which a landlord is ordinarily entitled to exercise, is for the time being vested in a person other than the person of whom the land is held, such other person shall be deemed to be the landlord in respect of the right so vested.

A superior proprietor is not, as such, a landlord.

Act XVIII of 1873, s. 3 (2).

"Rent."

(4) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant to a landlord, on account of the use or occupation of land:

C. P. Rev. Bill, sec. 4 (18).

"Pay" and "payable."

(5) "Pay" and "payable" used with reference to rent include "deliver" and "deliverable":

"Arrear."

(6) "Arrear" means an instalment of rent which is not paid on or before the date on which it is payable:

"Holding."

(7) "Holding" means and includes all land held by a tenant under the same lease or conditions.

"Village."

(8) "Village" includes any local area which at the last preceding settlement has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

Cf. Act XVIII of 1873, sec. 44: Act XIX of 1868, sec. 23: Panjáb, sec. 37; Irish Act, sec. 70.

"Improvement."

(9) "Improvement" means, with reference to a holding, any work which, not diminishing the value of any other part of the landlord's estate, adds to the letting value of such holding; is suitable to it and consistent with the purpose for which it was let; and, if not executed on the holding, is either executed directly for its benefit or is after execution made directly beneficial to it.

It includes the reclaiming, enclosing or clearing of lands for agricultural purposes, and the renewal or reconstruction of works which, when first undertaken, were improvements.

But it does not include any class of embankments constructed for the purpose of flooding or retaining water on fields which the Chief Commissioner may from time to time declare to be excluded from this definition.

Explanation.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement.

"Agricultural Year."

(10) "Agricultural year" means the year commencing on the first day of June:

"Absolute occupancy-tenant."

(11) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, in any record-of-rights made before the passing of this Act, was recorded in respect of such land as an "absolute occupancy raiyat" or in terms equivalent thereto: C. P. Rev. Bill, s. 4 (19).

"Sír-land."

(12) "Sír-land" means—

(a) land recorded as "sír" in the papers of the last preceding settlement, or C. P. Revenue Bill, sec. 4 (7).

(b) land not so recorded, but which has been continuously cultivated by the proprietor or one of the proprietors thereof for not less than twelve years, or

(c) land which, being left uncultivated otherwise than in the ordinary course of husbandry, has been broken up by the proprietor or one of the proprietors thereof and continuously cultivated by him for not less than six years:

Provided that such land has not after the date of such settlement, or the expiry of such period of twelve years, or six years, (as the case may be), been continuously for a period of three years unoccupied by such proprietor.

Explanation (i).—Land is not unoccupied by the proprietor within the meaning of this definition when it is leased out by him with an express reservation of his sir-rights:

Explanation (ii).—"Sír-land" includes "bhogra" land in Sambalpúr.

"Record-of-rights."

(13) "Record-of-rights" includes the "supplementary administration-paper" prepared at the time of making a settlement before the passing of this Act. C. P. Revenue Bill, sec. 4 (20).

"Revenue-officer."

(14) "Revenue-officer" in any provision of this Act means such Revenue-officer appointed under the Central Provinces Land-revenue Act, 1880, as the Chief Commissioner may from time to time direct by name or by virtue of his office to discharge the functions of a Revenue-officer under such provision. New.

CHAPTER II.

OF CERTAIN RELATIONS BETWEEN LANDLORDS AND TENANTS IN GENERAL.

(A).—*Of Rent generally.*

Presumption that rent continues unchanged.

4. In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown, that the rent for any year payable by a tenant is, if the area of his holding remains unaltered, that which was payable by him in the last preceding year. B. 4.

B. 6.

Date from which orders changing rents operate.

5. When the rent of a holding is changed under any provision of this Act, the change shall take effect from the commencement of the agricultural year following the date of the application upon which such change is ordered: Provided that, if the application is made on the ground mentioned in section sixty-seven, section eighty-nine, clause (*d*), or section ninety, clause (*c*), the change shall take effect from such date as the Court fixes.

B. 10: No. 3, p. 51: Act XVIII of 1873, sec. 212.

Dates on which rents are payable.

6. In the absence of any contract to the contrary, rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by rule prescribe, and in the absence of such rule, according to local usage.

B. 11: Compare Act XVIII of 1873, secs. 50 to 55.

Tenant may in certain cases deposit rent with Revenue-officer.

7. When any landlord, upon tender being made to him by any tenant of any instalment of rent payable in money, refuses to accept the same, or to grant a receipt therefor, and

when any tenant, in the case mentioned in section forty-seven, desires the appointment of a person to receive rents payable in money and no such appointment is made, and

when any tenant in any other case is doubtful as to the person entitled to receive any such rent from him,

such tenant may apply to a Revenue-officer for permission to deposit the amount of rent which he believes to be due; and such officer shall receive such deposit, unless after examining the applicant the application appears unnecessary or made in bad faith.

B. 11, last para.

Deposit to be deemed a payment to the landlord.

8. When any deposit has been received under the provisions of section seven, it shall, unless it appears that it was made in bad faith, or that it was less than the amount due, be deemed to be a payment made by the tenant to the landlord, or the person appointed to receive such rent, as the case may be.

Revenue-officer how to deal with deposit.

A Revenue-officer receiving any such deposit may pay the amount thereof to any person appearing to him to be entitled to receive the same, or may in his discretion retain the same pending the decision of a Civil Court.

No suit or other proceeding shall be instituted against the Secretary of State in Council or against any officer of the Government in respect of anything done by a revenue-officer under the last preceding clause, but nothing herein contained shall prevent any person entitled to receive the amount of any deposit from recovering the same from a person to whom it has been paid.

B. 12: Compare Act XVIII of 1873, sec. 48.

Penalty for exaction by landlord.

9. Every tenant from whom his landlord levies any unauthorized cess, or any rent exceeding the amount payable by such tenant, shall be entitled to recover, by suit in a Civil Court, from the landlord the amount so wrongfully levied, together with such penalty not exceeding double such amount as the Court thinks fit.

Compare Act XVIII of 1873, s. 48.

For not giving receipt.

When any landlord withholds a receipt for rent paid by a tenant, or in giving such receipt omits to specify the period or crop in respect of which the payment is made, such tenant shall be entitled to recover, by suit in a Civil Court, from such landlord such penalty not exceeding double the amount of the rent so paid as the Court thinks fit.

The period of limitation for a suit instituted under this section shall be one year from the date on which the cause of action accrues; in other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

B. 7: No. 4, pp. 1-3.

Suspension or remission of rent in certain cases of drought, &c.

10. Whenever any portion of the Government revenue payable in respect of any land is remitted or suspended in consequence of the cultivation of such land being obstructed or the crops on such land being damaged or destroyed by drought, flood, locusts or any other cause beyond the control of a cultivator, the Chief Commissioner may by written order direct that a tenant of any portion of such land may, in any suit brought against him by his landlord for the rent due in respect of such portion of land for the season in which such obstruction, damage or destruction occurred, prove that such obstruction, damage or destruction occurred to a material extent upon such portion of land, and the Court may thereupon remit or suspend such portion of the rent due as it deems reasonable.

No rent to be less than the revenue.

11. A lease or other contract permitting a tenant to hold without payment of rent or fixing the rent payable by a tenant at an amount or value less than the amount of the revenue payable in respect of the holding shall be deemed to fix the rent at the amount of such revenue.

B. 13.

Special rule as to contracts fixing rent in Chánda and Nimár.

12. When any land in any village in either of the districts of Chánda and Nimár has been recorded as waste at the last preceding settlement, and any person having been for the three years preceding continuously cultivating in such village enters into any contract whereby he agrees to pay for such land any rent at a rate exceeding that which the Chief Commissioner may have prescribed in this behalf and caused to be entered in the Record-of-rights at such settlement, such contract shall be deemed to be a contract to pay rent at the rate so prescribed and entered.

When any such land has not been recorded as waste at the last preceding settlement, and any person enters into any contract whereby he agrees to pay for such land rent at a rate exceeding the rate so prescribed and entered, such contract shall be deemed to be a contract to pay at the rate so prescribed and entered.

Nothing in this section applies to sir-land or land taken under a sub-lease.

(B).—Of Rents taken by Division or Estimate of the Crops.

B. 14: Act XVIII of 1873, s. 43.

Procedure for dividing or estimating crops.

13. When rent is taken by division of the produce, or by estimate or appraisement of a crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time, or there is a dispute regarding the division of the said produce, or the quantity or value of the crop, an application may be made by either party to a Revenue-officer requesting that a commission may issue for such division, estimate or appraisement.

If either party satisfies the officer that he has reason to believe that the other party will not so attend, or that, if he does so attend, there will be a dispute regarding such division, estimate or appraisement, the officer may in his discretion order the issue of such commission.

B. 15.

Appointment of assessors.

14. When a Revenue-officer appoints any person a Commissioner for any of the purposes mentioned in section thirteen, such officer may, in his discretion, direct such person to associate with himself any other persons as assessors, and may give instructions regarding the number and mode of selection of such assessors, and the procedure to be followed in making such division, estimate or appraisement.

B. 16: Ajmer Land Regulation, sec. 49.

Remedy for error in division.

15. If, in any division under the foregoing provisions either party receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date.

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed as between the parties thereto to have been rightly made.

B. 17.

Effect of estimate.

16. When a crop has been estimated or appraised under the foregoing provisions, such estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom such Commissioner was appointed.

Ajmer Land Regulation, s. 51.

Either party may within three months from the date on which an estimate or appraisement is submitted under this section institute a suit against the other party to set aside such estimate or appraisement on the ground that it was made in bad faith and on no other ground. If no such suit is instituted within the period thus limited, such estimate or appraisement shall be as between the parties thereto for all purposes final and conclusive.

No. 3, pp. 48 to 51.

(C).—Of the Landlord's Lien upon the Produce of a Tenant's Holding.

B. 18.

Definitions.

17. In this section and sections eighteen to twenty-two, both inclusive, the following expressions shall have the meanings hereby attached to them:—

(*a*) "landlord's fortnight" means, with reference to a holding, a period of fourteen days next after the date on which an instalment of rent has fallen due in respect of such holding.

(*b*) "produce of a tenant's holding" includes standing crops and other ungathered products of such holding, and crops and other products reaped or gathered, but not stored otherwise than in exercise of a right or power conferred by section nineteen.

Explanation.—Crops and other products deposited on a threshing-floor or place for treading out the grain or the like shall not, by reason of their being so deposited, be deemed to be stored.

Priority conferred on attachments of crops made by landlords.

18. When the produce of a tenant's holding is attached in execution of a decree for an arrear due in respect of such holding, the attachment shall, in respect of such part of the claim as may be for an arrear which fell due within one year next before the date of such attachment, prevail against any prior assignment of or charge on such produce by way of sale, mortgage or otherwise; and if there are prior attachments, the landlord shall, in respect of the said part of the claim, be held to be the creditor first entitled to be paid out of the proceeds of the sale.

B. 20: Act X of 1859, sec. 118.

Tenant may reap attached crops.

19. Standing crops and other ungathered products of a holding may, while under attachment, by any order of a Civil Court, be reaped and gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the tenant neglects to do so, the Civil Court shall cause the said crops and products to be reaped and gathered, and stored, either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

B. 21.

Sale of produce of tenant's holding to be deferred in certain cases.

20. If the produce of a tenant's holding is attached by order of a Civil Court on the application of any person other than the landlord, it shall not be brought to sale—

(*a*) if the attachment is made during a landlord's fortnight, before the end of such fortnight;

(*b*) if the attachment is made at any other time, before the end of the landlord's fortnight next ensuing.

If, having been so attached, it is again within the landlord's fortnight mentioned in clause (*a*) or clause (*b*) attached before judgment in a suit brought by the landlord to recover the instalment of rent which fell due in respect of the holding at the beginning of such fortnight, the sale shall be further deferred until the decision of the landlord's suit:

Provided that no sale shall be deferred under this section—

(*a*) if the landlord consents that it shall be held; or

(*b*) if, when the attachment of the Civil Court has been made within a landlord's fortnight, the amount of the instalment which fell due at the beginning of such fortnight has been paid to the landlord or into Court; or

(*c*) if, when the attachment has been made at any other time, the amount of the instalment falling due at the beginning of the landlord's fortnight next ensuing has been paid to the landlord or into Court; or

(*d*) when the produce is liable to speedy natural decay.

B. 22.

Retention of sale proceeds by the Court in certain cases.

21. In the case of a sale under the proviso (*d*) of section twenty, the nett proceeds of the sale shall be retained by the Court until the date on which the produce would otherwise have been sold; and attachments made by the landlord shall, in respect of such proceeds, have the same priority which they would have had in respect of the produce if it had not been brought to immediate sale.

B. 23.

Attachment before judgment in suits for arrears.

22. If, within a landlord's fortnight, a landlord makes an application to attach before judgment, in respect of an arrear falling due at the beginning of such fortnight, the produce of the tenant's holding or the nett proceeds of the sale of such produce retained by the Court

under section twenty-one, the Court shall make such attachment accordingly, and such attachment shall be maintained up to judgment notwithstanding any objection made thereto. But, if it should afterwards appear that such application was vexatiously and unnecessarily made, the Court may award to any party aggrieved thereby such compensation as it thinks fit.

(D).—Of Surrender and Abandonment by Tenants.

B. 24. **23.** Except as otherwise provided by contract between the parties, any tenant desiring to surrender his holding may, before the first day of April in any agricultural year,—

Notice of surrender to be given by tenant.

(*a*) present to his landlord a notice in writing declaring his intention to surrender such holding at the end of such year;

(*b*) apply to such Civil Court as the Chief Commissioner may from time to time appoint in this behalf, to serve such notice upon such landlord.

Every landlord to whom a notice is presented under this section shall be bound to give a written receipt for the same; and every Court to which an application is made to serve a notice under this section shall comply with such application.

B. 25. **24.** When such notice has been so presented and acknowledged before the first day of April in any agricultural year, or when, on an application made before the first day of April in any such year, such notice is so served before the first day of May in such year, the tenancy in respect of which such notice has been presented or served shall terminate at the end of such year.

Tenancy when terminated by such notice.

B. 26. **25.** Any tenant who, except with the consent of his landlord or in the exercise of a right conferred by contract, surrenders or abandons his holding otherwise than as provided by sections twenty-three and twenty-four, shall be liable for the rent which would have been payable by him during the whole of the agricultural year in which he so surrenders or abandons his holding and the whole of the agricultural year next following if his tenancy had continued: Provided that no such tenant shall be liable for such rent in respect of any portion of such following year during which the holding or any portion thereof has been in the actual occupation of the landlord, or let by him to another tenant.

Consequences of irregular surrender or abandonment.

B. 28. **26.** No tenant shall be entitled to surrender a part only of his holding except in the exercise of a right conferred by contract or with the consent of his landlord.

Surrender to be of the entire holding.

(E).—Of Ejectment.

B. 29. **27.** No tenant shall be ejected from his holding by or at the instance of his landlord except—

No ejectment by landlord except as herein provided.

(*a*) by his landlord in exercise of a right hereinafter conferred; or

See s. 60.

(*b*) by a Civil Court at the instance of his landlord as next hereinafter provided.

B. 30. **28.** A tenant may be ejected from his holding by a Civil Court in the following modes, that is to say,—

Ejectment by Civil Court—

(*a*) in execution of a decree for ejectment;

in execution of decree for ejectment;

(*b*) under a special order made in the execution of a decree for an arrear due in respect of such holding; or

in execution of decree for arrears;

(*c*) if he is a tenant for a term, or an ordinary tenant or a sub-lessee of a former tenant on an application by the landlord under one of the provisions relating to such tenants hereinafter contained.

on an application under certain provisions of this Act.

See ss. 60, 71 & 49.

B. 32: Act XVIII of 1873, ss. 34 & 35.

29. When on the sixteenth day of May in any agricultural year, or such other day of the year as the Chief Commissioner may by rule fix in substitution for the sixteenth of May in this behalf, the landlord has obtained a decree against the tenant for an arrear of rent of any land and the amount of such decree or any portion of such amount remains unpaid,

Ejectment in execution of a decree for arrears.

the landlord may apply to the Court having authority to execute such decree to make an order directing that the tenant shall be ejected from such land; and the Court may make such order:

Provided that no ejectment shall be made under this section at any time less than fifteen days from the date of the decree.

B. 33. **30.** Any landlord who has obtained in respect of any holding a decree for ejectment, or an order under section twenty-nine, or who is entitled under the provisions hereinafter contained to make the application next hereinafter mentioned,

Application to a Civil Court to eject.

may apply to the Court which made such decree or order, or where the application is not based upon any such decree or order, to such civil Court as the Chief Commissioner may from time to time appoint in this behalf, to eject his tenant from such holding.

B. 34. **31.** The Court to which an application is made under section thirty shall, subject to the provisions hereinafter contained, eject such tenant:

Procedure thereon.

Provided that, when an application is made to a Court to make an ejectment on a date after the fifteenth day of June and before the fifteenth day of April in any agricultural year, such Court, if it finds that the tenant has not sub-let and that the holding has been cultivated in accordance with local usage, may, instead of directing that the ejectment be at once proceeded with, order it to be postponed to a date after the fifteenth day of April in such year.

Compare Act XXVIII of 1868, sec. 21, and Act XIX of 1868, ss. 38 & 39.

B. 35: Compare Act XVIII of 1873, s. 42.

32. When a tenant is ejected from his holding, he shall, in the absence of any custom or special agreement to the contrary, be entitled—

Rights of tenant in respect of crops and land prepared for sowing.

(*a*) at the option of the landlord, either to retain possession of any land comprised in such holding which he has sown previous to the time of ejectment and to use such land for the purpose of tending and gathering in the crops sown, or to receive from the landlord the estimated value of the labour and capital expended by him in preparing and sowing such land and tending such crops; and

(*b*) to receive from the landlord the estimated value of the labour and capital expended by him in preparing for sowing any land comprised in such holding but not sown:

Compare Act XXVIII of 1868, sec. 27.

Provided that no tenant shall be entitled to retain possession of any land or receive compensation in respect thereof under this section when he has cultivated or prepared such land contrary to local usage, or to retain possession of any land or receive any compensation in respect of any cultivation or preparation which his landlord, being in a position to make an application under section thirty, has by a notice in writing forbidden him to undertake.

B. 36. **33.** When a landlord elects, under clause (*a*) of section thirty-two, to allow a tenant to retain possession of any land for the purpose specified in that section, such tenant shall pay to such landlord, for the use and occupation of such land during the period for which he is allowed to retain possession of the same, such portion of the yearly rent of the holding as the Court may deem reasonable.

Payment by tenant for occupation of land under section 32.

B. 37. **34.** A Court ejecting a tenant under section thirty shall inquire into and determine all claims under this Act by the landlord against such tenant; or by such tenant against the landlord and the decision of such Court upon any such claim shall be final and conclusive.

Account to be taken generally between landlord and tenant.

B. 38. **35.** When it appears to a Court making an ejectment that the amount payable by the landlord as such to the tenant exceeds the amount payable by the tenant as such to the landlord, it shall, unless the landlord and tenant come to an arrangement regarding the payment of such excess sum, fix a time within which it must be paid into Court.

Procedure when, on ejectment, money has to be paid by the landlord to the tenant.

If such sum is so paid within the time fixed, the Court shall eject the tenant;

and, if such sum is not so paid within such time, shall dismiss the application for ejectment;

but nothing herein contained shall prevent a landlord from making a fresh application for ejectment.

B. 39. **36.** When a tenant against whom a suit for arrears has been instituted transfers his holding or any part thereof, and a decree is passed against such tenant in such suit, any order made in execution of such decree under section twenty-nine may be executed either against such tenant or against such transferee as if he were the original tenant.

Transfer of holding while suit for arrears is pending.

B. 40. **37.** If, during the course of proceedings to eject in execution of an order made under section twenty-nine the amount of the decree for arrears and the cost of execution of such decree are realized, the proceedings shall be stayed.

When proceedings to eject to be stayed.

B. 41. **38.** Any tenant who has been ejected in contravention of section twenty-seven may, within one year from the date of his ejectment, sue in a Civil Court for reinstatement, or for compensation, or for both; and such Court shall, if it finds that the ejectment was illegal, reinstate the tenant, or, in case he has applied for compensation, ascertain the amount of actual damage which he has sustained by the ejectment and award to him such amount, together with such further sum, not exceeding two hundred rupees, as it thinks reasonable compensation for the trouble and annoyance caused to him by the ejectment.

Remedy of tenant illegally ejected.

If within the said period of one year the tenant does not sue under this section, his interest (if any) in the land and his right (if any) to compensation shall cease.

(F).—Of Improvements and Compensation therefor.

B. 42. **39.** In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown, that, save as provided in section ninety-five, landlords have a preferential right to construct tanks, pakka wells and permanent buildings on the holdings of their tenants.

Preferential right to improve.

The Chief Commissioner may from time to time by rule prescribe the manner in which tenants desiring to make improvements shall give notice thereof to landlords, who have a preferential right to make them, and may fix the time to be allowed for the exercise of such right.

B. 43: Compare Act XXVIII of 1868, sec. 37: Act XIX of 1868, sec. 22: Act XIX of 1873, sec. 54: Irish Act, secs. 3, 4, 15, 21 and 70.

40. If any tenant, or any person from whom he has derived his tenancy by inheritance or transfer, has made improvements in his holding, such tenant shall be entitled to be compensated for such improvements when he is ejected and shall not be ejected by order of any Court until such compensation has been made or provided for to the satisfaction of the Court:

Compensation for improvements payable to tenants on ejectment.

Provided that no compensation shall be claimable under this section in respect of an improvement in any of the following cases, namely:—

(*a*) when the tenant is a tenant of sír-land and the improvement has been made in such land without obtaining the express consent of his landlord thereto;

(*b*) when the landlord had a preferential right to make such improvement and the tenant has made it without giving such notice and allowing such time as is prescribed under section thirty-nine, or, when no such notice or time is prescribed, without giving due notice and allowing reasonable time to his landlord to make it;

(*c*) when the tenant, having contracted not to make such improvement without giving the landlord reasonable notice to make it, has made it without giving such notice;

(*d*) when the tenant has made the improvement in pursuance of a contract or under a lease binding him to make such improvement without compensation.

Improvements made by a tenant, before the passing of this Act, in lands other than sír-land shall be deemed to have been made after notice to, and with the permission of, his landlord, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself, or that the tenant contracted in writing not to make such improvement.

B. 44, No. 4, p. 15.

41. In estimating the compensation to be made for an improvement under section forty, the Court shall have regard—

Principle on which compensation to be assessed.

(*a*) to the labour and capital expended by the tenant in such improvement; and

(*b*) to the amount by which the letting value of the holding or its produce or the value thereof is likely to be increased by such improvement:

Provided that in no case shall the compensation for any improvement exceed the amount for which it could have been made by the landlord, or the amount by which it has increased the selling value of the holding:

Provided also that if a landlord has, in consideration of an improvement, allowed a tenant to hold at a rent lower than the rent which would have been payable if such improvement had not been made, the amount of rent thus remitted shall be deemed to have been a payment by the landlord made towards the cost of the improvement.

Explanation.—In this section, the words "letting value" mean the value of the holding if let at a rack-rent.

B. 46.

Shape in which compensation may be given.

42. Compensation for improvements may be made in money to be paid by such instalments as the Court thinks fit, unless both landlord and tenant agree that it should be made in any other manner, in which case it shall be made accordingly.

B. 47: No. 3, pp. 6-10: No. 4, p. 12: Cf. Irish Act, s. 4.

Agreements not to make improvements, &c., void.

43. Every contract made after the passing of this Act whereby a tenant agrees not to make improvements, or to be ejected if he makes improvements, or to forego any claim to compensation under this Act for improvements which he makes otherwise than in fulfilment of a contract or under a lease binding him to make them, shall, so far as regards such agreement, be void.

B. 48: No. 3, pp. 6-10.

Certain entries in Records-of-rights to be void.

44. All entries in the Record-of-rights of any village providing—

(*a*) that landlords shall be entitled to prevent tenants from making improvements or to eject them for making improvements, or to demand increased rent from them in respect of any improvements which they have made, or

(*b*) that tenants ejected from any lands shall not be entitled to compensation for improvements in cases in which they would, under this Act, be entitled to such compensation,

shall be void.

No. 3, pp. 3 & 4.

(*G*).—*Case of several Persons Landlords of the same Land.*

B. 50.

Appointment of person to act on behalf of several landlords.

45. When persons who are jointly entitled to be deemed the landlords of any tenant in matters connected with the granting of leases, ejectment, or the enhancement, abatement or recovery of rent, appoint any person to act on their behalf in any such matter or revoke such appointment, they shall notify such appointment or revocation for the information of their tenants in such manner as the Chief Commissioner may from time to time prescribe by rules in this behalf.

Any such appointment or revocation not so notified shall be null and void as against the tenant.

No. 4, p. 14.

Person appointed under section 45 deemed sole landlord.

46. Any person whose appointment has been so notified shall be deemed to be, for the purposes of this Act, and so far as his appointment may extend, the sole landlord of the tenants to whom his appointment has been notified, and shall alone be entitled to give receipts for rents, to grant leases, or enter into agreements with tenants, as the case may be, on behalf of the persons appointing him.

B. 51.

Rents in which two or more persons are interested as landlords.

47. When two or more persons are the joint landlords of any tenant in matters connected with the recovery of rents, such tenant, subject to any rule which the Chief Commissioner may make in this behalf, shall not be compelled to pay part of the rent of his holding to one of such persons and part to another or others; and such persons shall be bound, if the tenant so desires, to appoint one of their number, or some other person, in manner provided by section forty-five, to receive the rent of such holding.

B. 52.

(*H*).—*Miscellaneous Provisions.*

Presumptions in suits and proceedings between landlords and tenants.

48. In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown,—

B. 53: No. 4, p. 14.

(*a*) that a tenant who does not possess a right of occupancy or hold under an unexpired lease is an ordinary tenant within the meaning of this Act;

(*b*) that, except as by this Act provided, a tenant has no power to transfer or mortgage his holding without the consent of his landlord.

Relation between landlord and sub-lessee of tenant ejected or surrendering.

49. When any tenant having a right to sub-let sub-lets his holding or any portion thereof and is subsequently ejected by, or surrenders his holding to, his landlord, the sub-lessee shall be deemed to become the tenant of such landlord under the sub-lease; but such landlord shall be entitled to apply at any time under section thirty to a Civil Court to eject him.

B. 54: No. 4, p. 14.

Landlord or tenant may require that terms of tenancy be reduced to writing.

50. When land is held otherwise than under a written lease or agreement, either the landlord or the tenant may apply to a Revenue-officer to have the terms on which it is held reduced to writing.

B. 57: No. 3, p. 12: Compare Act X of 1859, ss. 2, 9, 80 & 81: Act XVIII of 1873, ss. 24 & 28: and Act XIX of 1868, s. 7.

Procedure on application under section 50.

51. On receiving an application for the reduction to writing of the terms of any tenancy in accordance with section fifty the Revenue-officer shall ascertain the matters, if any, on which the parties are at issue, and shall then—

B. 58.

(*a*) if it appears that there are no such matters in dispute, or that they have been already decided by a Court of competent jurisdiction in the applicant's favour, make the order applied for; or

(*b*) if the matters in dispute are such as a Revenue-officer is competent to determine, determine such matters, and make such order thereon as he thinks fit; or

(*c*) refer the parties to the Civil Court.

If order to execute any instrument is neglected, Revenue-officer may execute it.

52. If a landlord or tenant refuses or neglects to execute any instrument which he may be directed to execute under section fifty-one, the Officer may himself execute such instrument; and the instrument so executed shall be of the same force and effect as if it had been executed by the person who refused or neglected to execute it.

B. 59.

B. 60: Compare Irish Act, s. 6: Oudh, s. 27: Act X, sec. 24.

Applications to measure or ascertain condition of holdings.

53. If any landlord or tenant desires that the extent of any holding should be ascertained, or that evidence relating to any improvement made in respect there of by either of them, or to the state of such holding at any specified time, should be recorded, he may apply to a Revenue-officer, and such Officer shall thereupon make, or cause to be made, such enquiry as he thinks fit, with a view to ascertain or record the matters the ascertainment or record of which is desired by the applicant: Provided that—

no action shall be taken by any Revenue-officer under this section if it appears that the application is unnecessary or is made vexatiously, or that the matter the ascertainment of which is desired is being enquired into by any Civil Court.

Nothing in this section shall be deemed to affect the right of a landlord to enter on any holding for the purpose of measuring or examining the same.

When any matter has been ascertained and recorded under this section, both landlord and tenant, and all persons claiming under either of them, shall, in all subsequent proceedings before any Revenue-officer, or in any Civil Court, be bound by such record.

B. 8: No. 4, pp. 3 & 4.

Leases may be avoided when assessment is changed.

54. If any landlord grants a lease or enters into any other contract fixing the rent of any holding, and while such lease or contract is in force,—

(*a*) land-revenue is for the first time made payable in respect of the holding;

(*b*) land-revenue having previously been payable in respect of it, the revenue payable when the lease or other contract was executed is increased,

such lease or other contract shall be voidable at the option of the landlord, unless the tenant agrees to pay such rent as a Settlement-officer or Revenue-officer may on the application of the landlord determine to be fair and reasonable.

Where land-revenue having been payable in respect of the holding at the time when the lease or other contract was executed, the amount of such revenue is reduced, such lease or other contract shall, if the Chief Commissioner by any general or special order so directs, be voidable at the option of the tenant, unless the landlord agrees to accept such rent as a Settlement-officer or Revenue-officer may on the application of the tenant determine to be fair and reasonable.

CHAPTER III.

OF ORDINARY TENANTS.

(*A*).—*Preliminary.*

B. 61.

Presumption as to ordinary tenancies.

55. In all suits and proceedings between landlords and ordinary tenants, it shall be presumed, unless the contrary is shown, or unless there is an entry in the Record-of-rights to the contrary, that the rights and liabilities described in this chapter are incident to the tenure.

(*B*).—*Of Ejectment.*

B. 62: No. 2, p. 33.

Notice of ejectment.

56. Any landlord who desires to eject an ordinary tenant at the close of any agricultural year may, before the first day of December in such year, apply to a Civil Court to serve such tenant with a notice of ejectment; and such Court shall serve such notice.

B. 63.

Procedure when right to eject is disputed.

57. If any tenant upon whom a notice has been served under section fifty-six disputes the right of his landlord to eject him, he may, within one month from the date on which such notice is so served, institute a suit to contest such right.

B. 64: No. 2, pp. 33 & 34.

When protection-order may be granted.

58. Any ordinary tenant upon whom such a notice has been served, and who, not being a tenant of sír-land, or a sub-lessee, has, at the time when it is proposed to eject him, continuously for five years cultivated land in the village in which the land from which it is proposed to eject him is situated, and is, when such village is inhabited, resident therein, and has not, either in the agricultural year in which it is proposed to eject him, or in either of the two agricultural years next preceding, received from his landlord any assistance in his cultivation, may, within the said period of one month, apply to the Court by which such notice was served for an order of protection from ejectment; and such Court shall grant such order, unless the landlord satisfies it that hardship would be caused thereby.

Explanation.—Loss caused to the landlord by not obtaining a higher rent is not hardship within the meaning of this section.

B. 65.

Declaration of right to eject when to be made.

59. If, within the said period of one month, no suit is instituted under section fifty-seven, and no application is made under section fifty-eight, or if, on such a suit being instituted or application made, it is rejected, the Court may record a proceeding declaring that the landlord is entitled to eject the tenant.

B. 66.

Time for ejectment on declaration under section 59.

60. Any landlord in whose favour a declaration has been recorded under section fifty-nine may eject the tenant—

(*a*) when such declaration has been recorded before the seventeenth day of May in the agricultural year in which the application under section fifty-six was made—at any time during the said month of May;

(*b*) when such declaration has not been recorded before the said seventeenth day of May—at any time within fifteen days from the date of such declaration:

Provided that any such landlord, instead of ejecting such tenant himself, may, within the period prescribed by this section, apply under section thirty to a Civil Court to eject such tenant.

B. 67.

Tenant may apply for order prohibiting ejectment.

61. Any ordinary tenant in respect of whom a declaration has been made under section fifty-nine and who, if ejected, would have a claim to retain any land or receive any compensation under section thirty-two, may, if he has reason to believe that his landlord is about to eject him without the assistance of a Court, apply to such Court as the Chief Commissioner may from time to time appoint in this behalf to make an order prohibiting the landlord from so ejecting him; and it shall be in the discretion of the Court to make such order.

B. 68. **62.** Any such tenant who has been ejected by a landlord without the assistance of a Court may, within the period of one month after such ejectment, apply to a Court appointed under section sixty-one—

Remedy of tenant ejected by landlord.

(*a*) to be put in possession of any land or to be awarded any compensation to which, under section thirty-two, he is entitled; and

(*b*) to compel the landlord to pay him any net sum to which if he had been ejected by the Court he would have been declared entitled under section thirty-five.

B. 69. **63.** On receiving such application, the Court shall proceed to determine the matters set forth therein, and may put the tenant into possession of any land to which he is entitled, and if any net sum as aforesaid, to which the Court finds the tenant to be entitled, is not paid by the landlord within such period as it fixes, may in its discretion reinstate the tenant in the land from which he has been ejected.

Procedure in such cases.

B. 70. **64.** A tenant to whom an order of protection is granted under section fifty-eight in one agricultural year may be ejected in a subsequent agricultural year if he ceases to reside in the village or receives assistance from his landlord in the cultivation of his holding.

Protected tenant may be ejected in subsequent year.

B. 71. **65.** All entries in the Record-of-rights of any village providing that any notice other than that hereinprescribed shall be given by a landlord before ejecting an ordinary tenant shall be void.

Certain entries in Record-of-rights declared void.

(*C*).—*Of the Rent payable by Ordinary Tenants.*

B. 72. **66.** The rent payable in any year of his tenancy by an ordinary tenant, not being a tenant who has obtained an order of protection under section fifty-eight, shall be,—

Rent payable by ordinary tenants.

(*a*) when such year is the first year of his tenancy, the rent which he agreed with his landlord to pay; or in the absence of any agreement, such rent as a Revenue-officer may, on application made to him, determine to be a fair rent;

Compare Act XIX of 1868, ss. 35 & 36.

(*b*) when such year is not the first year of his tenancy, the rent which was payable in the preceding year, unless a different rent has been agreed upon, in which case the rent so agreed upon shall be payable.

In fixing a fair rent under clause (*a*) of this section, the Revenue-officer shall have regard to the rates paid by ordinary tenants occupying lands of similar quality and with similar advantages in the neighbourhood, and to any expectations which the landlord may have held out to the tenant of occupying at rates lower than such rates.

The fact that in any year any sum was paid as rent shall, unless such payment was extorted or made through fraud or by mistake, be held to prove that the tenant agreed to pay a rent not less than such sum.

B. 6. **67.** When the area of a holding of an ordinary tenant is diminished, by diluvion or otherwise, during any year of tenancy, a Revenue-officer may, on application made to him, determine the rent payable for the holding for such year.

Diminution of area of holding.

B. 73. **68.** When a Court grants a tenant an order of protection under section fifty-eight it shall either fix his rent at the amount which he is paying at the time when he obtains such order, or fix a fair rent in manner prescribed by section sixty-six whichever may be greater.

Rents payable by protected tenants.

Rent which has been fixed under this section is liable to be refixed on the application of either the landlord or the tenant in any subsequent year.

B. 74. No. 3, p. 13. **69.** Except as provided in this Act, no Court shall determine the rent proper to be paid by an ordinary tenant.

No Court to determine rent payable by ordinary tenants except under Act.

70. An ordinary tenant shall not, in the absence of a written contract empowering him to do so, be entitled to sub-let his holding or any part thereof.

Sub-letting.

CHAPTER IV.

OF TENANTS FOR A FIXED TERM.

B. 75. **71.** A tenant for a fixed term shall on and after the first day of May next preceding the end of such term, be deemed to be, in matters relating to ejectment and reinstatement, an ordinary tenant:

Ejectment on expiry of term.

Provided that, if it be expressly stipulated in his lease that he shall quit his holding at the expiration of such term, the notice specified in section fifty-six shall not be required; and such tenant may, on the expiration of such term, be ejected by his landlord with or without the assistance of a Civil Court as if a declaration in respect of him had been made under section fifty-nine.

72. A tenant for a fixed term may, in the absence of any written agreement to the contrary, sub-let his holding or any part thereof.

Sub-letting.

CHAPTER V.

OF TENANTS WITH A RIGHT OF OCCUPANCY.

(*A*).—*Of the Acquisition of the Right of Occupancy.*

B. 76: No. 3, p. 15. **73.** Any owner of sír-land shall be deemed to become an occupancy-tenant of such land in the following cases, *viz.*:—

Ex-proprietors of sír-land.

(*a*) when he sells such land without expressly agreeing to transfer his right to cultivate it;

(*b*) when his interest in such land is sold for arrears of land-revenue; or

(*c*) when his interest in such land is sold in execution of any decree which does not declare his right to cultivate such land to have been expressly hypothecated to the judgment-debtor.

74. Any person recorded as an absolute occupancy raiyat or as a tenant with rights of occupancy of any land, or in terms equivalent thereto, in any record-of-rights of such land made before the passing of this Act, shall be deemed to have acquired a right of occupancy in the land in respect of which he may have been so recorded.

Persons recorded as occupancy-tenants.

B. 77: Compare Act XVIII of 1873, s. 8: No. 1, p. 16: No. 2, pp. 31 & 32: No. 3, p. 16: No. 2, p. 31: **75.** Every tenant who has held the same land continuously for twelve years shall be deemed to have acquired a right of occupancy therein: Provided that such land is not (1) held under a written lease in which it is stipulated that a right of occupancy shall not be acquired, or that the tenant shall quit the land at its termination; or (2) held in lieu of wages; or (3) sír-land.

Twelve years' rule.

Explanation I.—Land sub-let is not "held" either by the sub-lessee or his lessor within the meaning of this section.

Explanation II.—The occupation of the person from whom a tenant has inherited his holding, or, when the holding has been acquired by the tenant otherwise than by inheritance and the landlord was, or, had this Act been in force, would have been, bound to recognize such acquisition, the occupation of the person from whom it has been so acquired shall, for the purposes of this section, be deemed to be the occupation of the tenant.

No. 1, p. 12: No. 2, p. 30: No. 3, pp. 19, 22: Act XXVIII of 1868, s. 7.

Explanation III.—When, by the custom of any village, the holdings of tenants are, or have been, liable to periodical redistribution, lands which a tenant may, in accordance with such custom, have from time to time received in exchange for lands previously held by him shall, for the purposes of this section, be deemed to be the same lands as the lands which he held prior to such exchange.

B. 78: No. 1, p. 12: No. 2, p. 30: No. 3, pp. 19-22: Act XXVIII of 1868, s. 7. **76.** A tenant having a right of occupancy in land situated in a village in which the holdings of tenants are by custom liable to periodical redistribution, and exchanging such land in accordance with such custom for other land situated in the same village, shall be deemed to have acquired a right of occupancy in the land so taken in exchange.

Case of lands re-distributed in accordance with village-custom.

B. 79: No. 1, p. 12: No. 2, p 30: No. 3, pp. 61 & 62: Act XXVIII of 1868, s. 7. **77.** If a tenant having a right of occupancy in any land ceases to hold such land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that he has accepted such other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of an agreement to the contrary, be deemed to have acquired a right of occupancy in the land which he so commences to hold.

Tenant changing land in other cases.

B. 80. **78.** In the districts of Chánda and Nimár every tenant shall be deemed to have a right of occupancy in respect of all land which he holds, except sír-land or land held by him under a sub-lease, or recorded as waste at the time of making the settlement for the time being in force, and taken up during the term of such settlement on a lease such as is mentioned in section seventy-five.

Tenants in Chánda and Nimár.

B. 81. **79.** In the district of Sambalpúr, every tenant shall be deemed to be an occupancy-tenant in respect of all the land which he holds, except sír-land or land held by him under a sub-lease; and no such tenant shall be ejected except under an order passed in the execution of a decree for arrears under section twenty-nine.

Tenants in Sambalpúr.

B. 82. **80.** Nothing in this Act shall be held to debar any tenant from claiming a right of occupancy expressly conferred by a contract.

Tenant not barred from claiming right of occupancy acquired by contract.

(*B*).—*Of Succession to and Transfer of the Right of Occupancy and of Sub-letting.*

B. 83: No. 3, p. 37. **81.** The right of a tenant having a right of occupancy shall descend as if it were land: Provided that, except in the districts of Chánda, Nimár and Sambalpúr, no collateral relative of a tenant other than an absolute occupancy-tenant shall be entitled to inherit such right unless at the death of such tenant he was a co-sharer in the holding.

Descent of occupancy-right.

B. 84. **82.** Every tenant having a right of occupancy may transfer or mortgage such right in his holding, or any undivided share thereof without his landlord's consent, to any person who has become by inheritance a co-sharer with him in such holding.

Right of transfer.

No. 3, pp. 31-36. Every absolute occupancy-tenant, and, in the districts of Chánda and Nimár, every tenant having a right of occupancy, may transfer or mortgage his rights in his holding, or any undivided share thereof, to any person to whom the right of occupancy would, under the provisions of section eighty-one, descend at the death of such tenant if such person were then living.

B. 85. **83.** No entry in the Record-of-rights shall be deemed to entitle occupancy-tenants of any class to transfer or mortgage their holdings otherwise than in accordance with the provisions of this chapter:

Effect of entries in Record-of-rights.

Provided that nothing in this section shall be deemed to invalidate any transfer or mortgage made before the passing of this Act by an absolute occupancy-tenant under any power recorded in a Record-of-rights.

B. 86: No. 3, pp. 30, 31. **84.** Every tenant having a right of occupancy may sub-let his holding or any part thereof:

Right to sub-let.

Provided that in the districts of Chánda and Nimár tenants who were not in possession of their holdings at the time when rents were fixed at a settlement shall not, during the term of such settlement, be entitled to sub-let.

B. 87: No. 3, p. 31. **85.** No tenant having a right of occupancy shall be ejected from his holding on the ground that he has agreed to transfer or has sub-let the holding when he had no power to transfer or sub-let the same if it appears that he so agreed, or sub-let, believing in good faith that he had such power.

Occupancy-tenant agreeing to transfer or sub-let under belief of his power to do so.

(*C*).—*Of the Rent payable by Tenants with a Right of Occupancy.*

B. 88: No. 4, p. 19. **86.** The rent payable in any year by a tenant having a right of occupancy in respect of his holding shall be that which was payable in respect of such holding in the year next preceding, unless a different rent has been agreed upon in writing between the landlord and tenant, or such rent is changed under this Act.

Rent of occupancy-tenant changeable in two ways only.

B. 89. **87.** A tenant with a right of occupancy and paying rent in money, or his landlord, may apply to a Settlement-officer if a settlement is in progress, or if no settlement is in progress and the rent of the holding has not been fixed at the existing settlement by a Settlement-officer, or after such settlement and

Power to fix money rent where not fixed at or since settlement.

after the passing of this Act by a Revenue-officer, to a Revenue-officer, to fix such rent; and such officer shall, except as otherwise provided by agreement between such landlord and tenant, fix such rent having regard to the following, that is to say :—

No. 2, p. 37: Cf. Act XIX of 1873, s. 72.

(*a*) to the rent-rates assumed for the purpose of assessing the land-revenue on similar land, with similar advantages, in the same circle or tahsíl; and to the customary rates of rent payable by tenants of the same class for similar land, with similar advantages, in the same circle or tahsíl;

(*b*) to any claim which the tenant has to pay rent at less than ordinary rates on the ground that some of the advantages with regard to which the lands included in his holding are classed were the result of improvements made by him;

(*c*) to any circumstances, such as the status or caste of the tenants, which the Chief Commissioner may from time to time by rule direct to be taken into account in reduction of such rent; and

No. 1, pp. 8 & 16: No. 2, p. 32: No. 3, pp. 23 & 24.

(*d*) when the application is made during the currency of a settlement to any changes in the value of the produce of land which have occurred after the settlement, and which the Chief Commissioner may from time to time by rule direct to be taken into account for this purpose:

Provided that the rent demandable from a tenant shall not be reduced under this section, except by a Settlement-officer.

"Circle" in this section means two or more villages grouped together for assessment purposes by a Settlement-officer, or declared by the Chief Commissioner to constitute an assessment-circle.

B. 90.

Certain rents to be deemed to have been fixed under section 87.

88. (*a*) Rents recorded at any settlement made before the passing of this Act as payable by tenants in the Sambalpúr district;

(*b*) rents of absolute occupancy-tenants in any other district recorded at or after a settlement made before the passing of this Act; and

(*c*) rents fixed before the passing of this Act by a Settlement-officer,

shall be deemed to have been fixed in manner prescribed by section eighty-seven.

B. 91: No. 1, pp. 5 & 16: No. 3, pp. 24 to 28.

Enhancement of rent fixed under section 87.

89. When the rent of a tenant having a right of occupancy has been fixed at or since the last settlement in manner prescribed by section eighty-seven, the landlord may, except as otherwise provided by any contract between the parties, apply from time to time to a Revenue-officer to enhance such rent on one or more of the following grounds, and on no other, namely :—

(*a*) that the rent last fixed under this Act was fixed lower than it otherwise would have been, owing to circumstances some or all of which have ceased to exist, and that no corresponding adjustment of the rent has been made;

(*b*) that since the rent was last fixed under this Act the Chief Commissioner has made a rule of the nature specified in section eighty-seven, clause (*d*), and applicable to the holding;

(*c*) that since the rent was last fixed under this Act the productive power of the holding has been increased otherwise than by the tenant or at his expense;

(*d*) that the extent of the tenant's holding is larger than the area in respect of which his rent was last fixed under this Act.

B. 92: No. 3, pp. 24 to 28.

Abatement of such rent.

90. When the rent of a tenant having a right of occupancy has been fixed at or since the last settlement in manner prescribed by section eighty-seven, such tenant may, except as otherwise provided by any contract between the parties, apply from time to time to a Revenue-officer for an abatement of his rent on one or more of the following grounds, and on no other, namely :—

(*a*) that since the rent was last fixed under this Act the Chief Commissioner has made a rule of the nature specified in section eighty-seven, clause (*d*), and applicable to the holding, or

(*b*) that, since the rent was last fixed under this Act the productive power of the holding has decreased otherwise than by his act, or

(*c*) that the extent of his holding is less than the area in respect of which his rent was last fixed under this Act.

B. 94: No. 3, p. 37.

Rents of certain tenants not to be charged on certain grounds.

91. Notwithstanding anything hereinbefore contained, the rents of occupancy-tenants in the districts of Sambalpúr, Chánda and Nimár, or of absolute occupancy-tenants, shall not be changed on the ground that a rule of the nature specified in section eighty-seven, clause (*d*), has been made, or on the ground that the productive power of the holding has increased or diminished, when such increase or diminution has not been caused by, or at the expense of, the landlord.

B. 95.

Restriction on agreements by tenants in Sambalpúr.

92. Contracts by which tenants having a right of occupancy in the district of Sambalpúr agree to pay rents at rates higher than the average rate at which, at the time of making the settlement for the time being in force, the rents of other lands in the same village of similar quality and possessing similar advantages were fixed, shall be void; but nothing in this section shall affect any contract to pay a reasonably enhanced rent in consideration of an increase in the productive power of the land having been effected through the agency or at the expense of the landlord.

B. 96.

Power to make rules for determining rents.

93. The Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Revenue and Settlement-officers in the determination of the rents of tenants having a right of occupancy, and declaring the principle on which reductions claimed by tenants under section eighty-seven, clause (*b*), may be allowed.

Settlement-officer may commute rents payable in kind.

94. In all cases in which a tenant with a right of occupancy has paid rent in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others, the landlord, or tenant, may apply while a settlement is in progress to a Settlement-officer, and during the term of a settlement to any officer specially empowered by the Chief Commissioner in this behalf, to commute such rent to a fixed money-rent; and, on the receipt of such application, such officer shall determine the rent to be paid in commutation, as if the rent previously

paid had been a money-rent and an application had been made to him to fix the same:

Act VIII of 1879, s. 9.

Provided that the Local Government may empower any such officer, when any such application made before him is opposed, to refuse, for reasons to be recorded by him in writing, to grant the same.

(*D*).—*Miscellaneous.*

B. 97.

Certain tenants declared to have preferential right to improve.

95. Every absolute occupancy-tenant and every tenant declared by section seventy-eight or section seventy-nine to have a right of occupancy shall be deemed to have, with respect to his landlord, a preferential right to make all improvements on his holding.

B. 99.

Presumption that provisions of chapter apply.

96. In all suits and proceedings between landlords and tenants having a right of occupancy, it shall be presumed, until the contrary is shown, or unless there is an entry in the Record-of-rights to the contrary, that the incidents of the tenure of every tenant who, at the passing of this Act, has, or may hereafter acquire, rights of occupancy, are those which are described in this chapter.

Quasi occupancy-tenants.

97. Any owner of sír-land who—

(*a*) gives a usufructuary mortgage of such land without expressly agreeing to transfer to the mortgagee his right to cultivate it; or

(*b*) is temporarily excluded from the proprietary possession of such land under the Central Provinces Land-revenue Act, 1880,

shall be entitled while such mortgage remains in force, or while he is so excluded from the proprietary possession, to retain the actual possession of the land, paying no more rent for the same than if he were an absolute occupancy-tenant.

CHAPTER VI.

JURISDICTION AND PROCEDURE.

B. 100: No. 3, p. 41.

Cognizance of certain applications.

98. The Revenue-officers shall have exclusive cognizance of the subject-matter of the following applications, namely :—

(1) applications to deposit rent (section 7);

(2) applications to divide, estimate or appraise a crop (section 13);

(3) applications to have the terms of a tenancy reduced to writing (section 50);

(4) applications to measure or ascertain the condition of a holding (section 53);

(5) applications to fix the rent of ordinary tenants (section 66);

(6) applications to fix the rent of the holding of an ordinary tenant which has been diminished by diluvion or otherwise (section 67);

(7) applications to fix or alter the rent of an occupancy-tenant (sections 87, 89 and 90);

(8) applications to commute rents (section 94);

and of such other matters as they are empowered to deal with under this Act; and, subject to the provisions herein contained, may grant such relief as the nature of the case requires:

Provided that nothing herein contained shall debar a Civil Court from exercising jurisdiction in regard to any of the following matters which may arise in any suit or proceeding instituted in such Court, namely :—

(*a*) measuring or ascertaining the condition of any holding, dividing, estimating or appraising any crop, or receiving any deposit;

(*b*) determining the rents payable by tenants when the yearly amount so payable has been fixed by a Revenue or Settlement-officer or by agreement between the parties.

Procedure on such applications.

99. In disposing of the matters referred to in section ninety-eight, the Revenue-officers shall, as nearly as may be, exercise the same powers and follow the same procedure as are exercised and followed by them under the Central Provinces Land-revenue Act, 1880.

From every order passed by a Revenue-officer in respect of any such matter, an appeal shall lie as if such order had been passed by such officer under the said Land-revenue Act.

B. 103: No. 3, pp. 41 to 45.

Jurisdiction of Civil Courts.

100. Subject to the provisions of section ninety-eight, the Civil Courts shall have jurisdiction in all matters arising between landlord and tenant: Provided that—

(*a*) no Judge of a Civil Court of first instance shall, unless he is also a Revenue-officer or a Settlement-officer, hear any suit between a landlord and a tenant as such; and

(*b*) the Chief Commissioner may, subject to the provisions of this Act, direct that all or any of such suits shall be tried before such Courts of such grades competent to try the same as he thinks fit and not otherwise.

B. 103 (*c*).

Certain suits may be entered in separate register.

101. The Chief Commissioner may direct that all or any of the following suits, namely,—

(*a*) suits for an arrear of rent;

(*b*) suits to eject a tenant or cancel a lease on account of a breach of the conditions of the tenancy or lease, whether compensation for such breach be also claimed or not;

(*c*) suits by tenants to recover rent wrongfully levied, or for penalties (section 9);

(*d*) suits by a tenant illegally ejected by his landlord for reinstatement or compensation (section 38);

(*e*) suits to contest the landlord's right to eject (section 57);

shall not be registered in the registers kept under the Code of Civil Procedure for the registration of civil suits, but in such other separate registers as he may prescribe.

B. 104: Act XVIII of 1873, s. 110.

Plaint in such suits.

102. In such suits the plaint shall, in addition to the matters mentioned in section 50 of the Code of Civil Procedure, specify the quantity of the land, and, when fields have been numbered in a Government survey, the number of each field comprised in the holding; and, in the case of suits for an arrear, the amount of the yearly rent and

the instalments according to which such rent is payable.

B. 106: Act XVIII of 1873, s. 143.

Allowance of pleaders' fees optional.

103. Pleaders' fees shall not be included as costs in such suits, unless the Court certifies that, for reasons to be recorded by it in writing, such fees ought to be allowed.

B. 107.

Recovery of penalties under section 9.

104. If, in any such suit, it appears that a tenant is entitled to recover any penalty from his landlord under section nine, the Court may include in its decree such penalty as it thinks fit within the limit specified in that section.

B. 108.

Changes made in Limitation Act as to period of appeals.

105. In the case of appeals from decrees or orders in such suits, the Central Provinces Courts' Act, 1865, section 15, shall be read as if, for the words "thirty days," "six weeks" and "ninety days," the words "fifteen days," "thirty days" and "sixty days" were respectively substituted.

An application for the re-admission of any such appeal dismissed for want of prosecution shall be made within fifteen days from the date of such dismissal.

B. 109: Act XIX of 1868, s. 20: Act XXVIII of 1868, s. 15.

When proceedings in suit for arrears may be stayed.

106. If, in a suit for an arrear of rent, it appears that the area of the holding has been diminished by diluvion before or during the period in respect of which such arrear is claimed,

the Court may stay proceedings in the suit and refer the parties to a Revenue-officer in order that the rent of the holding may be determined.

B. 110: Act XIX of 1868, s. 13.

Set-off.

107. In any such suit no set-off shall be allowed except such amount as may be due to the tenant under a decree or order against the landlord as such.

B. 111.

Interest on arrears.

108. In any such suit interest may be allowed up to judgment, at such rate not exceeding twelve per cent. per annum as the Court thinks fit.

B. 112: Act IX of 1868, s. 118.

No process of execution to issue on decree for arrears after lapse of three years from date thereof.

109. No process of execution shall be issued to recover any sum due under a decree in any such suit after the lapse of three years from the date on which under the decree such sum became payable.

B. 113: Cf. Act X of 1859, s. 13.

No appeal in certain arrear-cases.

110. When any such suit is decided, whether on appeal or otherwise, by a Civil Judge exercising powers not less than those of an Assistant Commissioner of the first class as defined in the Central Provinces Courts' Act, 1865, the decision shall be final, and shall not be subject to appeal unless—

(*a*) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(*b*) a question relating to a title to land, or to some interest in land, has been determined as between parties having conflicting claims thereto.

New.

Limitation of suits by tenants to recover possession.

111. The period of limitation for a suit instituted by a tenant to recover the possession of land from which he has been ejected by any person other than his landlord shall be one year from the date on which he is ejected.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

SCHEDULE.

(*See section* 2.)

ENACTMENTS REPEALED.

Number of Act.	Short title.
Act X of 1859	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863	To amend Act X of 1859.
Act XXII of 1872	To explain and amend Act X of 1859.

STATEMENT OF OBJECTS AND REASONS.

The law at present governing the relations of landlords and tenants in the Central Provinces is Act X of 1859, an enactment which was originally framed with particular reference to the circumstances of Lower Bengal, and which has been found, in many respects, unsuitable to territories where proprietary right is of comparatively recent origin, and, indeed, in some districts is even now but imperfectly developed. Though the primary object of Act X of 1859 was to protect tenants who had been depressed, during a long course of years, by a powerful proprietary body, and though it certainly fulfilled its purpose in the Province for which it was enacted, the result of applying it to a country in which, until recently, the distinction between the cultivating and the revenue-paying classes was somewhat loosely marked, and where the position of the former was therefore exceptionally strong, has been absolutely to curtail their ancient privileges. Though this is the chief ground on which legislation is desirable, experience has shown that Act X of 1859 is inappropriate and inconvenient, both in its procedure and in some of its substantive provisions. To remedy this state of things the present Bill has been framed.

2. It will be observed (section 2, clause 1) that it applies only to land used for agricultural purposes, and to such land only when it is let to tenants of the class commonly known as raiyats. Many of its provisions, especially those of a protective nature, would obviously be unsuitable in cases where a village, or a considerable portion of a village, is leased to a thekadár or farmer who makes his own terms with the proprietor, and is quite well able to protect himself; but it will be a question for the Select Committee to which it is proposed to refer the Bill whether some portions of it might not with advantage be extended to cases of this description.

3. The provisions of the Bill are roughly divisible into two classes, namely, those of general application contained in Chapters II and VI, and those contained in Chapters III, IV and V, applying only to particular descriptions of tenants.

Beginning with the former class, and omitting all reference to such provisions as either speak for themselves or may be said to have become common forms in Upper India Tenancy Bills, section 10—which in effect provides that when the Government suspends or remits its revenue on any land in cases of drought, &c., the landlord may be required to suspend or remit his rent—may first be noticed.

4. This section is based on the similar provision of the North-Western Provinces Rent Bill at present before the Council, but with this important difference that, instead of requiring the Revenue-officer, on the revenue payable in respect of any tract being remitted or suspended, to go over all the holdings comprised in such tract and determine in the case of each whether any remission or suspension of rent should be allowed, it allows this question to stand over until an actual dispute regarding it arises between the parties; and then leaves it to be decided by the Court before which the landlord may claim his rent.

This deviation from the rule proposed for the North-Western Provinces appears advisable, because, owing to the comparative simplicity of landed tenures in the Central Provinces, suspensions or remissions of land-revenue may be granted without that minute field-to-field survey which is requisite in order to decide claims to suspension or remission of rent, and it is not desirable to throw upon the limited staff of officers available in these Provinces the labour of making such a survey merely for the purpose of settling such disputes as may arise on this point between landlords and tenants.

5. Section 11, which in effect prohibits leases at a rent smaller than the revenue payable on the land, is the complement of section 117 of the Central Provinces Land-revenue Bill, which invalidates revenue-free grants made by Málguzárs. The object of both is the same, *viz.*, to prevent improvident proprietors from depriving themselves of the means of meeting the Government demand upon their lands (see paragraph 12 of the Statement of Objects and Reasons of the Land-revenue Bill).

6. Passing over, for the moment, the special provisions relating to tenants in Chánda and Nimár contained in section 12, we come to sections 17 to 22, which treat of the landlord's lien upon the produce of his tenant's holding. This lien is intended to be a substitute for the present power of distraint, which, as a matter of fact, has scarcely ever been resorted to by the Central Provinces landlords, and which it is apprehended would, if commonly employed, lead to abuses. The provisions regarding it have been so framed as to enable a landlord, by the exercise of the most ordinary diligence, to obtain for each instalment of his rent a first charge upon all crops which may be on the land at the time it falls due or during the year following.

7. The effect of sections 27 to 38, relating to ejectment, taken with certain subsequent provisions of the Bill to which they refer, may be stated to be that, except (section 71) when there is a lease for a term with an express provision that the tenant shall quit at the end of such term, no tenant can be ejected from his holding by his landlord without an order of the Court; that as a rule in all contested cases the landlord will, after obtaining such order, not proceed to eject the tenant himself but apply to the Court to eject him; and that the Court will not eject the tenant until all claims on either side arising out of the tenancy have been adjusted.

8. Sections 39 to 44 relate to improvements and compensation therefor. They provide that, as a rule, the landlord shall be allowed the option of himself making any permanent improvement proposed by the tenant; but that, if he does not avail himself of the option thus allowed him, the tenant may make such improvement, and, having made it, shall be entitled to receive compensation in respect of it before being ejected. The rights thus conferred on the tenant cannot be affected by any contract or by any entry in a record-of-rights to the contrary.

9. Sections 45 to 47 are intended to relieve a tenant holding under a number of co-proprietors from the difficulties and perplexities in which he is now frequently involved owing to doubts as to the authority of individual co-proprietors. Section 47 provides that in such cases the co-proprietors shall be bound, if the tenant requires them to do so, to appoint one of their number, or some other person, to act on behalf of all of them and receive the entire rent of the holding.

10. Section 48 (*b*) enacts that, except as provided by the Bill, a tenant has no power to transfer or mortgage his holding without the consent of his landlord; and it may here be added that no such power is conferred by the Bill, except to a very limited extent in the case of the occupancy-tenants to be presently referred to.

11. Sections 50 to 52, which empower a Revenue-officer to cause the terms of a tenancy to be reduced to writing, at the instance of either party, when there appears to be no real dispute as to those terms, are intended to take the place to some extent of the ordinary provisions as to suits for pattás and kabúliyats.

12. Section 54, which provides for the readjustment of the rent fixed by a lease or contract whenever the holding falls under re-assessment, is in accordance with the general understanding that the rents of ordinary raiyats, though fixed by contract, are subject to revision at settlement.

13. With Chapter III of the Bill begin the provisions relating to certain particular classes of tenants.

These classes (putting aside for the moment certain tenants in the districts of Chánda, Nimár and Sambalpúr) are as follows, namely:—

(1) ordinary tenants (chapter III);

(2) tenants for a fixed term (chapter IV);

(3) tenants with a simple right of occupancy (chapter V);

(4) absolute occupancy-tenants (same chapter).

14. Taking these in their order, it will be seen from section 48 (*a*) and section 55 that it is to be presumed, until the contrary is shown, that a tenant who does not possess a right of occupancy, or hold under an unexpired lease, is "an ordinary tenant," and that the rights and liabilities described in Chapter III are incident to his tenure.

15. The position of the ordinary tenant, as shewn in Chapter III, bears a considerable resemblance to that of a tenant from year to year in England; and in the Bill, as originally framed by Mr. Jones, such tenants were designated "tenants from year to year"; but it has been thought safer to avoid the use of a technical term borrowed from a different system of law, and accordingly the term "ordinary tenant," which connotes nothing, has been substituted for it.

16. The most striking feature in the position of such a tenant, as defined by the Bill, is that he cannot be ejected without the order of the Court, and that when he resides in the village, has cultivated any land there for five years, and has not within the preceding three years received any assistance in his cultivation from his landlord, he may, when an order for his ejectment is applied for, claim to be protected from ejectment; and the Court will be bound to protect him, unless the landlord shows that some hardship beyond a mere loss of rent will be thereby caused to him.

The practical result of these provisions will be that every tenant who resides in a village and has cultivated any land there for five years continuously will, as a rule, at once acquire in any land he may begin to cultivate in such village an inchoate status of occupancy.

This portion of the Bill has been retained practically unaltered, as it has met with the provisional approval of the Secretary of State in Council; but it is obvious that, if only by reason of its novelty, it will require the most careful consideration by the Select Committee.

17. As an "ordinary tenant" is either removeable upon notice, or (if protected) is in a temporary state of transition, it is not worth while to enact any elaborate rules for the fixation of his rent; and accordingly the provisions on this point in Chapter III will be found to be brief and simple.

18. Chapter IV relating to tenants for a fixed term calls for but little notice. The position and rights of such tenants will usually be regulated, to a great extent, by the terms of the leases under which they hold, and the only peculiarity introduced by the Bill is that, when the lease does not contain a stipulation expressly requiring the holding to be vacated at the expiration of the term, the tenant will, in the last year of such term, be deemed to become an "ordinary tenant," and to be entitled to all the privileges in regard to ejectment and protection against ejectment which are conferred on such a tenant by Chapter III.

19. Proceeding now to Chapter V, which deals with tenants with a right of occupancy, it will be seen that the status of an occupancy-tenant, when not conferred by express contract (section 80), may, as a rule, be claimed on any one of three grounds, namely:—

1*st*, that the land was formerly the property of the tenant and held by him as sír, and that he parted with it or lost his ownership in it in one of the modes mentioned in section 73:

2*ndly*, that the tenant was recorded as an occupancy-tenant of the land in a settlement-record prepared before the passing of the Bill; or

3*rdly*, that he has for twelve years continuously held the land, otherwise than under a written lease expressly debarring him from acquiring the status.

20. As regards the acquisition of the right in the third of these modes, it should be stated that *actual* occupation throughout the whole period is required, the right not being acquired when the land is sub-let. On the other hand, it is provided by the third Explanation to section 75 and by section 76 that neither the acquisition of the right nor its retention shall be affected by the circumstance that the tenant has shifted from one holding to another in accordance with a village-custom such as has been found to prevail in Chhattísgarh; and by section 77 that, once the right has been acquired, it shall not be lost by the tenant's removal to another holding, if it appears that he has removed on the understanding that his status is to remain unchanged; but that in such a case he shall have the rights of an occupancy-tenant on his new holding. This last provision is in accordance with section 7 of the Panjáb Tenancy Act of 1868, and it is important as a check upon the practice of persuading ignorant tenants to change their holdings, to which landlords are said sometimes to resort with a view to destroying occupancy-rights.

21. In whichever of the above modes the occupancy-status may have been acquired, its incidents will (section 96) be presumed to be those described in chapter V. The principal of those incidents are as follows:—

1*st*, that (section 81) the right of an occupancy-tenant descends lineally as if it were land, but does not pass to a collateral unless he is a cosharer in the holding;

2*ndly*, that, while an occupancy-tenant is allowed (section 84) to sub-let, he cannot (section 82) transfer or mortgage his holding except to a cosharer; and

3*rdly*, that he is, in the absence of a contract fixing his rent, entitled to have his rent fixed according to certain rules laid down by the Bill.

22. These rules for the fixation of rent are contained in sections 86 *et seq.*, and are among the most important provisions of the Bill.

Their most striking feature will be found to be the distinction which they make between the process of fixing rent for the first time after a new settlement has been taken in hand (section 87), and the process of subsequently during the currency of that settlement enhancing or reducing it.

A new settlement is considered to reopen completely the question of the rents to be paid by occupancy-tenants, and, accordingly, at the first determination of these rents after the settlement has commenced, *all* data and *all* circumstances which can properly be allowed any influence on the question will be taken into consideration. The rent-rates "assumed" by the Settlement-officer for the purpose of assessing the land-revenue and which approximate to the true economic rent, will be looked to; as also will the customary rates of rent which, as a matter of fact, are paid by tenants of the same class. Nor will other circumstances, such as the caste of the tenants, which it is found practically impossible to disregard in such cases, be left out of account.

But once the rents have been fixed in this way they will, during the currency of the settlement, be liable to be enhanced or reduced only on certain definite grounds. These grounds are (omitting one which is of minor importance)—

1*st*, that the area of the holding has been altered;

2*ndly*, that its productive power has been altered; and

3*rdly*, if the Chief Commissioner makes a rule admitting this as a ground for altering rents, that the *value* of the produce has increased or diminished.

23. The power of admitting this last circumstance as a ground for changing rent is placed in the hands of the Chief Commissioner in order to save the Revenue-officers the necessity of undertaking in individual cases long and minute inquiries into the history of prices in the neighbourhood since the rent was last fixed. When, owing to any considerable rise or fall of prices in any locality, such an inquiry appears to be called for, it will, it is conceived, be more successfully made once for all under the orders of the Chief Commissioner.

24. The "absolute occupancy-tenants," so called because, when the subject of occupancy-rights was still under discussion in the Central Provinces, their right of occupancy was considered to be beyond dispute, are simply occupancy-tenants with certain additional privileges. The status can be claimed only on the ground of an entry made in a record-of-rights prior to the passing of the Bill, and accordingly the number of such tenants is strictly limited.

They differ from ordinary occupancy-tenants chiefly in the following particulars, *viz.* :—

1*st*, that their right of occupancy descends in all cases to collaterals as well as lineally (section 81);

2*ndly*, that their right to transfer and mortgage their holdings is (section 82) somewhat larger than that of ordinary occupancy-tenants;

3*rdly*, that their rents when once fixed by a Settlement or Revenue-officer are not (section 91) liable to be enhanced or reduced on certain grounds on which the rents of ordinary occupancy-tenants may be enhanced or reduced; and

4*thly*, that they have (section 95) a right to make improvements in their holdings without offering their landlords the option of making such improvements.

25. As regards the second of these points it should be explained that it has not been considered advisable, in the interest of these tenants, to reserve to them the full right to transfer their holdings which was stipulated for in their behalf at settlement, but which has been found in practice to tempt them to incur debt and place themselves at the mercy of their landlords.

26. In the foregoing account of the provisions of the Bill all mention of the exceptional privileges and protection provided for tenants in the districts of Chánda, Nimár and Sambalpúr has for convenience sake been omitted, and it is accordingly necessary to advert to the subject here.

The relations between the persons who have been recorded as proprietors and those who have been recorded as tenants in these three districts were found on examination to differ considerably from those ordinarily subsisting between landlords and tenants. The rights of the former were so limited and those of the latter so large that it was at one time a question whether a raiyatwári settlement would not, under the circumstances, be the most suitable.

When, therefore, it was eventually determined to make the settlement with the superior class of occupants as proprietors, it was found necessary to reserve for the inferior class rights considerably larger than those of ordinary tenants, and, in accordance with the arrangements then made, the Bill provides that (sections 78 and 79) tenants in these three districts shall as a rule be deemed to have a right of occupancy; that (section 79) a tenant in Sambalpúr shall not be ejected except under an order passed in execution of a decree for arrears; that (sections 81, 91, 95), as regards the descent of the occupancy-right, fixity of rent, and the right to improve, the occupancy-tenants in all three districts shall be on the same footing as absolute occupancy-tenants; and that (section 82) occupancy-tenants in Chánda and Nimár shall have the same powers of transfer as absolute occupancy-tenants. Lastly, in order to protect these tenants against attempts to break down the rights thus reserved to them, it has been thought well to introduce in sections 12 and 92 provisions which limit their power of contracting in regard to the amount of their rent.

27. It remains to speak of the Chapter (VI) relating to jurisdiction and procedure, and the only point calling for notice in it (besides the new rule of limitation laid down in section 111) is that it leaves all matters between landlord and tenant, except the fixation of rent, to be dealt with by the ordinary Civil Courts instead of establishing, as the North-Western Provinces Rent Act does, a special set of tribunals for their disposal. The reason for adopting this course may be very briefly stated. In the Central Provinces, the same officers as a rule discharge revenue and judicial functions, and there can never be any difficulty in arranging, as required by the proviso to section 100, that all suits between landlord and tenant shall be heard by judges who have had the necessary experience of revenue-administration. This being so, to establish a separate set of tribunals for the disposal of such suits would be merely to introduce a needless complication, and without any reason whatever to expose ourselves to all the conflicts of jurisdiction and other difficulties which have arisen in connection with the double system of tribunals elsewhere.

C. GRANT.

The 31*st July*, 1880.

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 14, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1880, and was referred to a Select Committee :—

No. 13 of 1880.

A Bill for the determination of claims to Táj Mahal's pension.

Preamble.

WHEREAS by a treaty dated the 24th Shabán 1244, Hijrá, corresponding with the first day of March 1829, and made between His Majesty the King of Oudh and the Government of the Hon'ble the East India Company, it was (amongst other things) agreed that a certain pension therein specified should be paid by the English Government to one Nawáb Táj Mahal therein named, and that if she should die leaving an heir or heirs the English Government might at its election continue as before such pension to her heirs, or make over to them the principal sum proportionate to such pension according to the rate thereinbefore mentioned;

and whereas the said Táj Mahal is now dead and doubts exist as to who are her heirs, and it is therefore expedient to provide for the appointment of a person to represent her estate for the purpose of receiving such pension;

and whereas the Secretary of State in Council is desirous of making over to the persons entitled to receive the said pension the principal sum proportionate thereto as provided in the said treaty, and it is expedient to empower the said Secretary of State in Council to capitalize the said pension pending the appointment of a person as aforesaid; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "Táj Mahal's Pension Act, 1880"; and it shall come into force at once.

No obligation to pay except on production of certificate. Cf. Act XXVII of 1860, s. 2.

2. The Secretary of State for India in Council shall not be bound to pay the said pension or any portion thereof to any person claiming the same, except on the production by such person of a certificate, granted in the manner hereinafter provided, authorizing him to receive the same.

Certificate to be obtained by application to the District Court. Cf. Act XXVII of 1860, s. 3.

3. Any person considering himself entitled to the said pension or any portion thereof may apply in writing to the Court of the District Judge of Lucknow (hereinafter called the District Court) for a certificate authorizing him to receive the same.

Form of application.

The application shall be in such form and shall contain such particulars as the Governor General in Council may from time to time, by rules to be published in the *Gazette of India*, direct.

Publication of application and notice to persons desiring to oppose it.

4. The District Court shall fix a day for hearing the application, and shall cause to be stuck up in the court-house and otherwise published or made known at the expense of the applicant in such manner as it thinks fit a copy of the application, with a notice stating the time and place at which it will be heard, and calling upon all persons claiming to have a better right than the applicant to the grant of the certificate to come in and oppose the application.

5. On the day so fixed or any subsequent day to which the Court may adjourn the hearing, the Court shall, if no person claiming to have a better right than the applicant to the grant of the certificate is present, hear the application; and if, after recording the evidence produced by the applicant, in support of his claim and making such further enquiry (if any) as it thinks necessary, the Court is of opinion that the applicant has established his claim, it shall make an order for granting him a certificate.

Procedure at hearing when no opposition.

In the event of the applicant not having, in the opinion of the Court, established such claim, it shall make an order dismissing his application.

6. In any case in which any person claiming to have a better right than the applicant to the grant of the certificate is present, the Court shall, after hearing the application and recording the evidence produced by the applicant in support of his claim, hear such person and record the evidence produced by him in support of his claim, and shall then, after making such further enquiry (if any) as it thinks necessary, determine which of the parties (if either) has established his claim to the certificate, and shall make an order for granting the same accordingly.

Procedure in case of opposition.

In the event of neither party having, in the opinion of the Court, established his claim, the Court shall make an order dismissing both the application and the counter-claim.

7. When any order dismissing an application under section five or any order under section six is made, an appeal shall lie by any party to the proceedings who deems himself aggrieved by such order to the High Court, which may make an order dismissing such appeal or granting a certificate, or otherwise reversing or varying the order of the District Court as it thinks fit.

Appeal to the High Court.

8. The period of limitation for an appeal under section seven shall be sixty days from the date of the order appealed against.

Period of limitation for appeal.

See Act V of 1880, s. 200.

In computing such period, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

9. A certificate granted under this Act shall specify the payments which the person to whom it is granted is entitled to receive, and shall contain such other particulars as the Governor General in Council may from time to time prescribe in this behalf.

Form of certificate.

Act XXVII 1860, s. 5.

10. (*a*) A certificate granted by the District Court under section five, or by the High Court on appeal under section seven, or

Effect of certificate.

(*b*) when a certificate has been granted under section six and the period of limitation fixed by section eight has expired without the institution of an appeal, such certificate

shall, while it remains in force, be conclusive evidence against the said Secretary of State in Council of the right of the person to whom it has been granted to receive the payments specified therein, and shall, unless or until it is rescinded and the authority rescinding it has given to the said Secretary of State in Council notice of such rescision, empower such person to give to the said Secretary of State in Council a full discharge for any such payment.

11. Nothing herein contained shall be deemed to affect the right of any person to recover by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate.

Act XXVII of 1860, s. 6, para. 2.

Right of third parties against holder of certificate saved.

12. The Court ordering any certificate to be granted under this Act may, if it thinks fit, direct that before such certificate is granted, such security (if any) as it thinks necessary shall be taken from the person to whom such certificate is to be granted, for his rendering an account of the payments to be received by him in virtue of such certificate to any person who may be entitled to recover from him in manner referred to in section eleven the whole or any part of such payments.

Act XXVII of 1860, s. 5.

Court may take security from grantee of certificate.

13. The District Court may, on the application of any person who has recovered by suit from the holder of a certificate the amount of any payment made to him in virtue of such certificate, grant a certificate to such person in supersession, wholly or in part, as the case may be, of the former certificate.

Act XXVII of 1860, s. 6, para. 3.

Court may grant fresh certificate to person who has recovered by regular suit amount paid to holder of old certificate.

No appeal shall lie from any order under this section.

On the grant of a fresh certificate under this section the former certificates shall be deemed to be rescinded wholly or in part (as the case may be).

Act X of 1865, s. 238.

Effect of fresh certificate.

14. In all proceedings under this Act the District Court and the High Court shall, as far as may be and except as herein otherwise provided, exercise the powers and follow the procedure conferred on and prescribed for a Court of first instance and a Court of appeal respectively by the Code of Civil Procedure: Provided that nothing contained in chapter XLV of the said Code shall apply to any order made in any such proceeding.

Proceedings to be regulated by Code of Civil Procedure.

15. The provisions of section thirteen of the said Code shall apply to all cases under section six of this Act in which the question of heirship to the said Táj Mahal, having been directly and substantially in issue in a suit in a Court of competent jurisdiction between the claimants, or between parties under whom they or any of them claim, has been heard and finally determined by such Court.

Matters decided in civil suits to be treated as *res judicata*.

16. All payments heretofore made by or on behalf of the said Secretary of State in Council under the said treaty shall be deemed to have been made in accordance with law: Provided that nothing in this section shall affect the right of any person to recover by suit the amount of any such payment from the person to whom the same has been made.

Indemnity as to payments already made.

17. The said Secretary of State in Council may, pending the grant of a certificate as hereinbefore provided, invest in securities of the Government of India the principal sum proportionate to the pension of the said Táj Mahal according to the rate mentioned in the said treaty.

Government empowered to capitalize the amount of the pension.

And, thereupon, all further claim to such pension shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall be entitled in lieu of such pension to the Government Securities in which the principal sum proportionate to such pension has been invested.

On capitalization, all claim to pension barred.

STATEMENT OF OBJECTS AND REASONS.

In the year 1829 the then King of Oudh lent to the East India Company the sum of sixty-two lákhs and forty thousand rupees on the terms embodied in the treaty noted in the margin. The only part of its provisions which it is here necessary to notice is that by which the Company undertook to pay interest on the loan at the rate of five per cent. per annum, and further to pay a certain portion of this interest by way of what is called in the document a "pension" to a lady known as Táj Mahal during life, and on her death, in certain events, to her heirs, with the option, however, of paying to such heirs a principal sum proportionate to the pension of Táj Mahal instead of continuing to them such pension.

Treaty dated the 24th Shabán, 1244 Hijrá, corresponding with the 1st day of March, 1829, and made between His Majesty the King of Oudh and the Government of the Honourable the East India Company in respect to a sum His Majesty has advanced in loan.

2. Táj Mahal is now dead; and no less than five persons who claim to be her heirs, and therefore entitled to succeed to her pension, have come forward. Even if all these claimants were to settle their rights in the Courts of law and some one of them was to obtain a decision declaring him to be the heir, the Government could not be sure that he was the right heir; for the family is so scattered, and there are such contradictory accounts of its history, that some other claimant might at any moment start up.

3. The present Bill has been prepared to remove this difficulty. It enacts that the Government shall not be bound to make any payment under the treaty to any person claiming as heir to Táj Mahal unless he produces a certificate to be granted by the Civil Court authorizing him to receive such payment; it provides full and complete indemnity to Government when it makes any such payment to any person producing such certificate, and it carefully preserves the rights of third parties against the persons to whom such payments may be made. A simple procedure is prescribed for the Civil Court in matters relating to the grant of a certificate; and an appeal within a certain limited period is given from its decision to the Court of the Judicial Commissioner, whose decision is to be final. All payments under the treaty which may heretofore have been made by the Government are validated.

4. Lastly, the Bill provides for the capitalization of the pension contemplated by the treaty being carried out in anticipation of the grant of the certificate. The Government is not bound to continue paying to the pensioners the present high rate of interest, but might, under the terms of the document, pay off the capitalized value of the pension at once. As the Government certainly would do this if it could ascertain who the rightful heir is, the claim of any heir succeeding is practically a claim for the capital.

B. W. COLVIN.

The 24th July, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1880, and was referred to a Select Committee:—

No. 14 of 1880.

THE CENTRAL PROVINCES TENANCY BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

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

CHAPTER II.

OF CERTAIN RELATIONS BETWEEN LANDLORDS AND TENANTS IN GENERAL.

(A).—*Of Rent generally.*

4. Presumption that rent continues unchanged.
5. Date from which orders changing rents operate.
6. Dates on which rents are payable.
7. Tenant may in certain cases deposit rent with Revenue-officer.
8. Deposit to be deemed a payment to the landlord.
Revenue-officer how to deal with deposit.
9. Penalty for exaction by landlord.
For not giving receipt.
10. Suspension or remission of rent in certain cases of drought, &c.
11. No rent to be less than the revenue.
12. Special rule as to contracts fixing rent in Chánda and Nimár.

(B).—*Of Rents taken by Division or Estimate of the Crops.*

13. Procedure for dividing or estimating crops.
14. Appointment of assessors.
15. Remedy for error in division.
16. Effect of estimate.

(C).—*Of the Landlord's Lien upon the Produce of a Tenant's Holding.*

17. Definitions.
18. Priority conferred on attachments of crops made by landlords.
19. Tenant may reap attached crops.
20. Sale of produce of tenant's holding to be deferred in certain cases.
21. Retention of sale-proceeds by the Court in certain cases.
22. Attachment before judgment in suits for arrears.

SECTIONS.

(D).—*Of Surrender and Abandonment by Tenants.*

23. Notice of surrender to be given by tenant.
24. Tenancy when terminated by such notice.
25. Consequences of irregular surrender or abandonment.
26. Surrender to be of the entire holding.

(E).—*Of Ejectment.*

27. No ejectment by landlord except as herein provided.
28. Ejectment by Civil Court—
(a) in execution of decree for ejectment;
(b) in execution of decree for arrears;
(c) on an application under certain provisions of this Act.
29. Ejectment in execution of a decree for arrears.
30. Application to a Civil Court to eject.
31. Procedure thereon.
32. Rights of tenant in respect of crops and land prepared for sowing.
33. Payment by tenant for occupation of land under section 32.
34. Account to be taken generally between landlord and tenant.
35. Procedure when, on ejectment, money has to be paid by the landlord to the tenant.
36. Transfer of holding while suit for arrears is pending.
37. When proceedings to eject to be stayed.
38. Remedy of tenant illegally ejected.

(F).—*Of Improvements and Compensation therefor.*

39. Preferential right to improve.
40. Compensation for improvements payable to tenants on ejectment.
41. Principle on which compensation to be assessed.
42. Shape in which compensation may be given.
43. Agreements not to make improvements, &c., void.
44. Certain entries in Records-of-rights to be void.

(G).—*Case of several Persons, Landlords of the same Land.*

45. Appointment of person to act on behalf of several landlords.
46. Person appointed under section 45 deemed sole landlord.
47. Rents in which two or more persons are interested as landlords.

(H).—*Miscellaneous Provisions.*

48. Presumptions in suits and proceedings between landlords and tenants.
49. Relation between landlord and sub-lessee of tenant ejected or surrendering.
50. Landlord or tenant may require that terms of tenancy be reduced to writing.
51. Procedure on application under section 50.
52. If order to execute any instrument is neglected, Revenue-officer may execute it.
53. Applications to measure or ascertain condition of holdings.
54. Leases may be avoided when assessment is changed.

CHAPTER III.

OF ORDINARY TENANTS.

(A).—*Preliminary.*

55. Presumption as to ordinary tenancies.

SECTIONS.

(B).—Of Ejectment.

56. Notice of ejectment.
57. Procedure when right to eject is disputed.
58. When protection-order may be granted.
59. Declaration of right to eject when to be made.
60. Time for ejectment on declaration under section 59.
61. Tenant may apply for order prohibiting ejectment.
62. Remedy of tenant ejected by landlord.
63. Procedure in such cases.
64. Protected tenant may be ejected in subsequent year.
65. Certain entries in Record-of-rights declared void.

(C).—Of the Rent payable by Ordinary Tenants.

66. Rent payable by ordinary tenants.
67. Diminution of area of holding.
68. Rents payable by protected tenants.
69. No Court to determine rent payable by ordinary tenants except under Act.
70. Sub-letting.

CHAPTER IV.

OF TENANTS FOR A FIXED TERM.

71. Ejectment on expiry of term.
72. Sub-letting.

CHAPTER V.

OF TENANTS WITH A RIGHT OF OCCUPANCY.

(A).—Of the Acquisition of the Right of Occupancy.

73. Ex-proprietors of sír-land.
74. Persons recorded as occupancy-tenants.
75. Twelve years' rule.
76. Case of lands re-distributed in accordance with village-custom.
77. Tenant changing land in other cases.
78. Tenants in Chánda and Nimár.
79. Tenants in Sambalpúr.
80. Tenant not barred from claiming right of occupancy acquired by contract.

(B).—Of Succession to and Transfer of the Right of Occupancy and of Sub-letting.

81. Descent of occupancy-right.
82. Right of transfer.
83. Effect of entries in Record-of-rights.
84. Right to sub-let.
85. Occupancy-tenant agreeing to transfer or sub-let under belief of his power to do so.

(C).—Of the Rent payable by Tenants with a Right of Occupancy.

86. Rent of occupancy-tenant changeable in two ways only.
87. Power to fix money rent where not fixed at, or since, settlement.
88. Certain rents to be deemed to have been fixed under section 87.
89. Enhancement of rent fixed under section 87.
90. Abatement of such rent.
91. Rents of certain tenants not to be changed on certain grounds.
92. Restriction on agreements by tenants in Sambalpúr.
93. Power to make rules for determining rents.

SECTIONS.

94. Settlement-officer may commute rents payable in kind.

(D).—Miscellaneous.

95. Certain tenants declared to have preferential right to improve.
96. Presumption that provisions of chapter apply.
97. *Quasi* occupancy-tenants.

CHAPTER VI.

JURISDICTION AND PROCEDURE.

98. Cognizance of certain applications.
99. Procedure on such applications.
100. Jurisdiction of Civil Courts.
101. Certain suits may be entered in separate register.
102. Plaint in such suits.
103. Allowance of pleaders' fees optional.
104. Recovery of penalties under section 9.
105. Changes made in Limitation Act as to period of appeals.
106. When proceedings in suit for arrears may be stayed.
107. Set-off.
108. Interest on arrears.
109. No process of execution to issue on decree for arrears after lapse of three years from date thereof.
110. No appeal in certain arrear-cases.
111. Limitation of suits by tenants to recover possession.

SCHEDULE.

Abbreviations used in the margin.

Nos. 1, 2, 3 and 4 refer to the papers relating to the Bill.

B. 1, B. 2, &c., refer to the sections of the amended draft of Mr. Jones' Bill prepared while Mr. F. Cockerell had charge of the Bill.

A Bill to consolidate and amend the law relating to agricultural tenancies in the Central Provinces.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called "The Central Provinces Tenancy Act, 1880."

Local extent. It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in Part VI of schedule I of the Scheduled Districts Act, 1874; B. 1.

Commencement. and it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may fix in this behalf.

Enactments repealed. **2.** The enactments specified in the schedule hereto annexed are repealed. B. 2.

Suits and applications instituted and made under any such enactment, and pending at the time this Act comes into force before any officer before whom they would have been instituted or made if this Act had been in force, shall be deemed, so far as may be, to have been respectively instituted and made under this Act.

B. 3. Interpretation-clause. **3.** In this Act, unless there is some thing repugnant in the subject or context, the following words and phrases shall be construed as next hereinafter provided, that is to say:—

"Land." (1) "Land" means land which is let or occupied for agricultural purposes, or for purposes ancillary to agriculture, and includes the sites of buildings appurtenant to such land:

"Tenant." (2) "Tenant" means a person who holds land of another person and is, or but for a special contract would be, liable to pay rent for such land to such other person. But it does not include a farmer, thikadár or other similar lessee of a whole village or a portion thereof not being less than one half.

Explanation.—An inferior proprietor is not, as such, a tenant.

"Landlord." (3) "Landlord" means the person of whom a tenant holds land, and to whom such tenant is, or but for a special contract would be, liable to pay rent for such land; but when the right to receive rent, or any other right which a landlord is ordinarily entitled to exercise, is for the time being vested in a person other than the person of whom the land is held, such other person shall be deemed to be the landlord in respect of the right so vested.

A superior proprietor is not, as such, a landlord.

Act XVIII of 1878, s. 3 (2). "Rent." (4) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant to a landlord, on account of the use or occupation of land:

C. P. Rev. Bill, sec. 4 (18). "Pay" and "payable." (5) "Pay" and "payable" used with reference to rent include "deliver" and "deliverable":

"Arrear." (6) "Arrear" means an instalment of rent which is not paid on or before the date on which it is payable:

"Holding." (7) "Holding" means and includes all land held by a tenant under the same lease or conditions.

"Village." (8) "Village" includes any local area which at the last preceding settlement has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

Act XVIII of 1878, sec. 4; Act XIX of 1868, sec. 28; Panjáb, sec. 7; Irish Act, sec. 70. "Improvement." (9) "Improvement" means, with reference to a holding, any work which, not diminishing the value of any other part of the landlord's estate, adds to the letting value of such holding; is suitable to it and consistent with the purpose for which it was let; and, if not executed on the holding, is either executed directly for its benefit or is after execution made directly beneficial to it.

It includes the reclaiming, enclosing or clearing of lands for agricultural purposes, and the renewal or reconstruction of works which, when first undertaken, were improvements.

But it does not include any class of embankments constructed for the purpose of flooding or retaining water on fields which the Chief Commissioner may from time to time declare to be excluded from this definition.

Explanation.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement.

"Agricultural Year." (10) "Agricultural year" means the year commencing on the first day of June:

"Absolute occupancy-tenant." (11) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, in any record-of-rights made before the passing of this Act, was recorded in respect of such land as an "absolute occupancy raiyat" or in terms equivalent thereto: C. P. Rev. Bill, s. 4 (19).

"Sír-land." (12) "Sír-land" means—

(a) land recorded as "sír" in the papers of the last preceding settlement, or C. P. Revenue Bill, sec. 4 (7).

(b) land not so recorded, but which has been continuously cultivated by the proprietor or one of the proprietors thereof for not less than twelve years, or

(c) land which, being left uncultivated otherwise than in the ordinary course of husbandry, has been broken up by the proprietor or one of the proprietors thereof and continuously cultivated by him for not less than six years:

Provided that such land has not after the date of such settlement, or the expiry of such period of twelve years, or six years, (as the case may be), been continuously for a period of three years unoccupied by such proprietor.

Explanation (i).—Land is not unoccupied by the proprietor within the meaning of this definition when it is leased out by him with an express reservation of his sir-rights:

Explanation (ii).—"Sír-land" includes "bhogra" land in Sambalpúr.

"Record-of-rights." (13) "Record-of-rights" includes the "supplementary administration-paper" prepared at the time of making a settlement before the passing of this Act. C. P. Revenue Bill, sec. 4 (20).

"Revenue-officer." (14) "Revenue-officer" in any provision of this Act means such Revenue-officer appointed under the Central Provinces Land-revenue Act, 1880, as the Chief Commissioner may from time to time direct by name or by virtue of his office to discharge the functions of a Revenue-officer under such provision. New.

CHAPTER II.

OF CERTAIN RELATIONS BETWEEN LANDLORDS AND TENANTS IN GENERAL.

(A).—Of Rent generally.

Presumption that rent continues unchanged. **4.** In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown, that the rent for any year payable by a tenant is, if the area of his holding remains unaltered, that which was payable by him in the last preceding year. B. 4.

B. 6.

Date from which orders changing rents operate.

5. When the rent of a holding is changed under any provision of this Act, the change shall take effect from the commencement of the agricultural year following the date of the application upon which such change is ordered: Provided that, if the application is made on the ground mentioned in section sixty-seven, section eighty-nine, clause (*d*), or section ninety, clause (*c*), the change shall take effect from such date as the Court fixes.

B. 10: No. 3, p. 51: Act XVIII of 1873, sec. 212.

Dates on which rents are payable.

6. In the absence of any contract to the contrary, rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by rule prescribe, and in the absence of such rule, according to local usage.

B. 11: Compare Act XVIII of 1873, secs. 50 to 55.

Tenant may in certain cases deposit rent with Revenue-officer.

7. When any landlord, upon tender being made to him by any tenant of any instalment of rent payable in money, refuses to accept the same, or to grant a receipt therefor, and

when any tenant, in the case mentioned in section forty-seven, desires the appointment of a person to receive rents payable in money and no such appointment is made, and

when any tenant in any other case is doubtful as to the person entitled to receive any such rent from him,

such tenant may apply to a Revenue-officer for permission to deposit the amount of rent which he believes to be due; and such officer shall receive such deposit, unless after examining the applicant the application appears unnecessary or made in bad faith.

B. 11, last para.

Deposit to be deemed a payment to the landlord.

8. When any deposit has been received under the provisions of section seven, it shall, unless it appears that it was made in bad faith, or that it was less than the amount due, be deemed to be a payment made by the tenant to the landlord, or the person appointed to receive such rent, as the case may be.

Revenue-officer how to deal with deposit.

A Revenue-officer receiving any such deposit may pay the amount thereof to any person appearing to him to be entitled to receive the same, or may in his discretion retain the same pending the decision of a Civil Court.

No suit or other proceeding shall be instituted against the Secretary of State in Council or against any officer of the Government in respect of anything done by a revenue-officer under the last preceding clause, but nothing herein contained shall prevent any person entitled to receive the amount of any deposit from recovering the same from a person to whom it has been paid.

B. 12: Compare Act XVIII of 1873, sec. 48.

Penalty for exaction by landlord.

9. Every tenant from whom his landlord levies any unauthorized cess, or any rent exceeding the amount payable by such tenant, shall be entitled to recover, by suit in a Civil Court, from the landlord the amount so wrongfully levied, together with such penalty not exceeding double such amount as the Court thinks fit.

Compare Act XVIII of 1873, s. 48.

For not giving receipt.

When any landlord withholds a receipt for rent paid by a tenant, or in giving such receipt omits to specify the period or crop in respect of which the payment is made, such tenant shall be entitled to recover, by suit in a Civil Court, from such landlord such penalty not exceeding double the amount of the rent so paid as the Court thinks fit.

The period of limitation for a suit instituted under this section shall be one year from the date on which the cause of action accrues; in other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

B. 3: No. 4, pp. 1-3.

Suspension or remission of rent in certain cases of drought, &c.

10. Whenever any portion of the Government revenue payable in respect of any land is remitted or suspended in consequence of the cultivation of such land being obstructed or the crops on such land being damaged or destroyed by drought, flood, locusts or any other cause beyond the control of a cultivator, the Chief Commissioner may by written order direct that a tenant of any portion of such land may, in any suit brought against him by his landlord for the rent due in respect of such portion of land for the season in which such obstruction, damage or destruction occurred, prove that such obstruction, damage or destruction occurred to a material extent upon such portion of land, and the Court may thereupon remit or suspend such portion of the rent due as it deems reasonable.

No rent to be less than the revenue.

11. A lease or other contract permitting a tenant to hold without payment of rent or fixing the rent payable by a tenant at an amount or value less than the amount of the revenue payable in respect of the holding shall be deemed to fix the rent at the amount of such revenue.

B. 13.

Special rule as to contracts fixing rent in Chánda and Nimár.

12. When any land in any village in either of the districts of Chánda and Nimár has been recorded as waste at the last preceding settlement, and any person having been for the three years preceding continuously cultivating in such village enters into any contract whereby he agrees to pay for such land any rent at a rate exceeding that which the Chief Commissioner may have prescribed in this behalf and caused to be entered in the Record-of-rights at such settlement, such contract shall be deemed to be a contract to pay rent at the rate so prescribed and entered.

When any such land has not been recorded as waste at the last preceding settlement, and any person enters into any contract whereby he agrees to pay for such land rent at a rate exceeding the rate so prescribed and entered, such contract shall be deemed to be a contract to pay at the rate so prescribed and entered.

Nothing in this section applies to sír-land or land taken under a sub-lease.

(*B*).—*Of Rents taken by Division or Estimate of the Crops.*

B. 14: Act XXII of 1873, s. 48.

Procedure for dividing or estimating crops.

13. When rent is taken by division of the produce, or by estimate or appraisement of a crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time, or there is a dispute regarding the division of the said produce, or the quantity or value of the crop, an application may be made by either party to a Revenue-officer requesting that a commission may issue for such division, estimate or appraisement.

If either party satisfies the officer that he has reason to believe that the other party will not so attend, or that, if he does so attend, there will be a dispute regarding such division, estimate or appraisement, the officer may in his discretion order the issue of such commission.

B. 15.

Appointment of assessors.

14. When a Revenue-officer appoints any person a Commissioner for any of the purposes mentioned in section thirteen, such officer may, in his discretion, direct such person to associate with himself any other persons as assessors, and may give instructions regarding the number and mode of selection of such assessors, and the procedure to be followed in making such division, estimate or appraisement.

B. 16: Ajmer Land Regulation, sec. 49.

Remedy for error in division.

15. If, in any division under the foregoing provisions either party receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date.

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed as between the parties thereto to have been rightly made.

B. 17.

Effect of estimate.

16. When a crop has been estimated or appraised under the foregoing provisions, such estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom such Commissioner was appointed.

Ajmer Land Regulation, s. 51.

Either party may within three months from the date on which an estimate or appraisement is submitted under this section institute a suit against the other party to set aside such estimate or appraisement on the ground that it was made in bad faith and on no other ground. If no such suit is instituted within the period thus limited, such estimate or appraisement shall be as between the parties thereto for all purposes final and conclusive.

No. 3, pp. 48 to 51.

(*C*).—*Of the Landlord's Lien upon the Produce of a Tenant's Holding.*

B. 18.

Definitions.

17. In this section and sections eighteen to twenty-two, both inclusive, the following expressions shall have the meanings hereby attached to them:—

(*a*) "landlord's fortnight" means, with reference to a holding, a period of fourteen days next after the date on which an instalment of rent has fallen due in respect of such holding.

(*b*) "produce of a tenant's holding" includes standing crops and other ungathered products of such holding, and crops and other products reaped or gathered, but not stored otherwise than in exercise of a right or power conferred by section nineteen.

Explanation.—Crops and other products deposited on a threshing-floor or place for treading out the grain or the like shall not, by reason of their being so deposited, be deemed to be stored.

B. 19.

Priority conferred on attachments of crops made by landlords.

18. When the produce of a tenant's holding is attached in execution of a decree for an arrear due in respect of such holding, the attachment shall, in respect of such part of the claim as may be for an arrear which fell due within one year next before the date of such attachment, prevail against any prior assignment of or charge on such produce by way of sale, mortgage or otherwise; and if there are prior attachments, the landlord shall, in respect of the said part of the claim, be held to be the creditor first entitled to be paid out of the proceeds of the sale.

B. 20: Act X of 1859, sec. 118.

Tenant may reap attached crops.

19. Standing crops and other ungathered products of a holding may, while under attachment, by any order of a Civil Court, be reaped and gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the tenant neglects to do so, the Civil Court shall cause the said crops and products to be reaped and gathered, and stored, either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

B. 21.

Sale of produce of tenant's holding to be deferred in certain cases.

20. If the produce of a tenant's holding is attached by order of a Civil Court on the application of any person other than the landlord, it shall not be brought to sale—

(*a*) if the attachment is made during a landlord's fortnight, before the end of such fortnight;

(*b*) if the attachment is made at any other time, before the end of the landlord's fortnight next ensuing.

If, having been so attached, it is again within the landlord's fortnight mentioned in clause (*a*) or clause (*b*) attached before judgment in a suit brought by the landlord to recover the instalment of rent which fell due in respect of the holding at the beginning of such fortnight, the sale shall be further deferred until the decision of the landlord's suit:

Provided that no sale shall be deferred under this section—

(*a*) if the landlord consents that it shall be held; or

(*b*) if, when the attachment of the Civil Court has been made within a landlord's fortnight, the amount of the instalment which fell due at the beginning of such fortnight has been paid to the landlord or into Court; or

(*c*) if, when the attachment has been made at any other time, the amount of the instalment falling due at the beginning of the landlord's fortnight next ensuing has been paid to the landlord or into Court; or

(*d*) when the produce is liable to speedy natural decay.

B. 22.

Retention of sale proceeds by the Court in certain cases.

21. In the case of a sale under the proviso (*d*) of section twenty, the nett proceeds of the sale shall be retained by the Court until the date on which the produce would otherwise have been sold; and attachments made by the landlord shall, in respect of such proceeds, have the same priority which they would have had in respect of the produce if it had not been brought to immediate sale.

B. 23.

Attachment before judgment in suits for arrears.

22. If, within a landlord's fortnight, a landlord makes an application to attach before judgment, in respect of an arrear falling due at the beginning of such fortnight, the produce of the tenant's holding or the nett proceeds of the sale of such produce retained by the Court

under section twenty-one, the Court shall make such attachment accordingly, and such attachment shall be maintained up to judgment notwithstanding any objection made thereto. But, if it should afterwards appear that such application was vexatiously and unnecessarily made, the Court may award to any party aggrieved thereby such compensation as it thinks fit.

(*D*).—*Of Surrender and Abandonment by Tenants.*

B. 24. **23.** Except as otherwise provided by contract between the parties, any tenant desiring to surrender his holding may, before the first day of April in any agricultural year,—

Notice of surrender to be given by tenant.

(*a*) present to his landlord a notice in writing declaring his intention to surrender such holding at the end of such year;

(*b*) apply to such Civil Court as the Chief Commissioner may from time to time appoint in this behalf to serve such notice upon such landlord.

Every landlord to whom a notice is presented under this section shall be bound to give a written receipt for the same; and every Court to which an application is made to serve a notice under this section shall comply with such application.

B. 25. **24.** When such notice has been so presented and acknowledged before the first day of April in any agricultural year, or when, on an application made before the first day of April in any such year, such notice is so served before the first day of May in such year, the tenancy in respect of which such notice has been presented or served shall terminate at the end of such year.

Tenancy when terminated by such notice.

B. 26. **25.** Any tenant who, except with the consent of his landlord or in the exercise of a right conferred by contract, surrenders or abandons his holding otherwise than as provided by sections twenty-three and twenty-four, shall be liable for the rent which would have been payable by him during the whole of the agricultural year in which he so surrenders or abandons his holding and the whole of the agricultural year next following if his tenancy had continued: Provided that no such tenant shall be liable for such rent in respect of any portion of such following year during which the holding or any portion thereof has been in the actual occupation of the landlord, or let by him to another tenant.

Consequences of irregular surrender or abandonment.

B. 28. **26.** No tenant shall be entitled to surrender a part only of his holding except in the exercise of a right conferred by contract or with the consent of his landlord.

Surrender to be of the entire holding.

(*E*).—*Of Ejectment.*

B. 29. **27.** No tenant shall be ejected from his holding by or at the instance of his landlord except—

No ejectment by landlord except as herein provided.

See s. 60. (*a*) by his landlord in exercise of a right hereinafter conferred; or

(*b*) by a Civil Court at the instance of his landlord as next hereinafter provided.

B. 30. **28.** A tenant may be ejected from his holding by a Civil Court in the following modes, that is to say,—

Ejectment by Civil Court—

(*a*) in execution of a decree for ejectment;

in execution of decree for ejectment;

(*b*) under a special order made in the execution of a decree for an arrear due in respect of such holding; or

in execution of decree for arrears;

(*c*) if he is a tenant for a term, or an ordinary tenant or a sub-lessee of a former tenant on an application by the landlord under one of the provisions relating to such tenants hereinafter contained.

on an application under certain provisions of this Act.

See ss. 60, 71 & 49.

B. 32: Act XVIII of 1873, ss. 34 & 35.

29. When on the sixteenth day of May in any agricultural year, or such other day of the year as the Chief Commissioner may by rule fix in substitution for the sixteenth of May in this behalf, the landlord has obtained a decree against the tenant for an arrear of rent of any land and the amount of such decree or any portion of such amount remains unpaid,

Ejectment in execution of a decree for arrears.

the landlord may apply to the Court having authority to execute such decree to make an order directing that the tenant shall be ejected from such land; and the Court may make such order:

Provided that no ejectment shall be made under this section at any time less than fifteen days from the date of the decree.

B. 33. **30.** Any landlord who has obtained in respect of any holding a decree for ejectment, or an order under section twenty-nine, or who is entitled under the provisions hereinafter contained to make the application next hereinafter mentioned,

Application to a Civil Court to eject.

may apply to the Court which made such decree or order, or where the application is not based upon any such decree or order, to such civil Court as the Chief Commissioner may from time to time appoint in this behalf, to eject his tenant from such holding.

B. 34. **31.** The Court to which an application is made under section thirty shall, subject to the provisions hereinafter contained, eject such tenant:

Procedure thereon.

Provided that, when an application is made to a Court to make an ejectment on a date after the fifteenth day of June and before the fifteenth day of April in any agricultural year, such Court, if it finds that the tenant has not sub-let and that the holding has been cultivated in accordance with local usage, may, instead of directing that the ejectment be at once proceeded with, order it to be postponed to a date after the fifteenth day of April in such year.

Compare Act XXVIII of 1868, sec. 21, and Act XIX of 1868, ss. 38 & 39.

B. 35: Compare Act XVIII of 1873, s. 42.

32. When a tenant is ejected from his holding, he shall, in the absence of any custom or special agreement to the contrary, be entitled—

Rights of tenant in respect of crops and land prepared for sowing.

(*a*) at the option of the landlord, either to retain possession of any land comprised in such holding which he has sown previous to the time of ejectment and to use such land for the purpose of tending and gathering in the crops sown, or to receive from the landlord the estimated value of the labour and capital expended by him in preparing and sowing such land and tending such crops; and

(*b*) to receive from the landlord the estimated value of the labour and capital expended by him in preparing for sowing any land comprised in such holding but not sown:

Compare Act XXVIII of 1868, sec. 27.

Provided that no tenant shall be entitled to retain possession of any land or receive compensation in respect thereof under this section when he has cultivated or prepared such land contrary to local usage, or to retain possession of any land or receive any compensation in respect of any cultivation or preparation which his landlord, being in a position to make an application under section thirty, has by a notice in writing forbidden him to undertake.

B. 36. **33.** When a landlord elects, under clause (*a*) of section thirty-two, to allow a tenant to retain possession of any land for the purpose specified in that section, such tenant shall pay to such landlord, for the use and occupation of such land during the period for which he is allowed to retain possession of the same, such portion of the yearly rent of the holding as the Court may deem reasonable.

Payment by tenant for occupation of land under section 32.

B. 37. **34.** A Court ejecting a tenant under section thirty shall inquire into and determine all claims under this Act by the landlord against such tenant; or by such tenant against the landlord and the decision of such Court upon any such claim shall be final and conclusive.

Account to be taken generally between landlord and tenant.

B. 38. **35.** When it appears to a Court making an ejectment that the amount payable by the landlord as such to the tenant exceeds the amount payable by the tenant as such to the landlord, it shall, unless the landlord and tenant come to an arrangement regarding the payment of such excess sum, fix a time within which it must be paid into Court.

Procedure when, on ejectment, money has to be paid by the landlord to the tenant.

If such sum is so paid within the time fixed, the Court shall eject the tenant;

and, if such sum is not so paid within such time, shall dismiss the application for ejectment;

but nothing herein contained shall prevent a landlord from making a fresh application for ejectment.

B. 39. **36.** When a tenant against whom a suit for arrears has been instituted transfers his holding or any part thereof, and a decree is passed against such tenant in such suit, any order made in execution of such decree under section twenty-nine may be executed either against such tenant or against such transferee as if he were the original tenant.

Transfer of holding while suit for arrears is pending.

B. 40. **37.** If, during the course of proceedings to eject in execution of an order made under section twenty-nine the amount of the decree for arrears and the cost of execution of such decree are realized, the proceedings shall be stayed.

When proceedings to eject to be stayed.

B. 41. **38.** Any tenant who has been ejected in contravention of section twenty-seven may, within one year from the date of his ejectment, sue in a Civil Court for reinstatement, or for compensation, or for both; and such Court shall, if it finds that the ejectment was illegal, reinstate the tenant, or, in case he has applied for compensation, ascertain the amount of actual damage which he has sustained by the ejectment and award to him such amount, together with such further sum, not exceeding two hundred rupees, as it thinks reasonable compensation for the trouble and annoyance caused to him by the ejectment.

Remedy of tenant illegally ejected.

If within the said period of one year the tenant does not sue under this section, his interest (if any) in the land and his right (if any) to compensation shall cease.

(*F*).—*Of Improvements and Compensation therefor.*

B. 42. **39.** In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown, that, save as provided in section ninety-five, landlords have a preferential right to construct tanks, pakka wells and permanent buildings on the holdings of their tenants.

Preferential right to improve.

The Chief Commissioner may from time to time by rule prescribe the manner in which tenants desiring to make improvements shall give notice thereof to landlords, who have a preferential right to make them, and may fix the time to be allowed for the exercise of such right.

B. 43: Compare Act XXVIII of 1868, sec. 37: Act XIX of 1868, sec. 23: Act XIX of 1873, sec. 54: Irish Act, secs. 3, 4, 15, 21 and 70.

40. If any tenant, or any person from whom he has derived his tenancy by inheritance or transfer, has made improvements in his holding, such tenant shall be entitled to be compensated for such improvements when he is ejected and shall not be ejected by order of any Court until such compensation has been made or provided for to the satisfaction of the Court:

Compensation for improvements payable to tenants on ejectment.

Provided that no compensation shall be claimable under this section in respect of an improvement in any of the following cases, namely:—

(*a*) when the tenant is a tenant of sír-land and the improvement has been made in such land without obtaining the express consent of his landlord thereto;

(*b*) when the landlord had a preferential right to make such improvement and the tenant has made it without giving such notice and allowing such time as is prescribed under section thirty-nine, or, when no such notice or time is prescribed, without giving due notice and allowing reasonable time to his landlord to make it;

(*c*) when the tenant, having contracted not to make such improvement without giving the landlord reasonable notice to make it, has made it without giving such notice;

(*d*) when the tenant has made the improvement in pursuance of a contract or under a lease binding him to make such improvement without compensation.

Improvements made by a tenant, before the passing of this Act, in lands other than sír-land shall be deemed to have been made after notice to, and with the permission of, his landlord, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself, or that the tenant contracted in writing not to make such improvement.

B. 44: No. 4, p. 12.

41. In estimating the compensation to be made for an improvement under section forty, the Court shall have regard—

Principle on which compensation to be assessed.

(*a*) to the labour and capital expended by the tenant in such improvement; and

(*b*) to the amount by which the letting value of the holding or its produce or the value thereof is likely to be increased by such improvement:

Provided that in no case shall the compensation for any improvement exceed the amount for which it could have been made by the landlord, or the amount by which it has increased the selling value of the holding:

Provided also that if a landlord has, in consideration of an improvement, allowed a tenant to hold at a rent lower than the rent which would have been payable if such improvement had not been made, the amount of rent thus remitted shall be deemed to have been a payment by the landlord made towards the cost of the improvement.

Explanation.—In this section, the words "letting value" mean the value of the holding if let at a rack-rent.

B. 46.

Shape in which compensation may be given.

42. Compensation for improvements may be made in money to be paid by such instalments as the Court thinks fit, unless both landlord and tenant agree that it should be made in any other manner, in which case it shall be made accordingly.

B. 47: No. 3, pp. 6-10: No. 4, p. 12: Cf. Irish Act, s. 4.

Agreements not to make improvements, &c., void.

43. Every contract made after the passing of this Act whereby a tenant agrees not to make improvements, or to be ejected if he makes improvements, or to forego any claim to compensation under this Act for improvements which he makes otherwise than in fulfilment of a contract or under a lease binding him to make them, shall, so far as regards such agreement, be void.

B. 48: No. 3, pp. 6-10.

Certain entries in Records-of-rights to be void.

44. All entries in the Record-of-rights of any village providing—

(*a*) that landlords shall be entitled to prevent tenants from making improvements or to eject them for making improvements, or to demand increased rent from them in respect of any improvements which they have made, or

(*b*) that tenants ejected from any lands shall not be entitled to compensation for improvements in cases in which they would, under this Act, be entitled to such compensation,

shall be void.

No. 3, pp. 3 & 4.

(*G*).—*Case of several Persons Landlords of the same Land.*

B. 50.

Appointment of person to act on behalf of several landlords.

45. When persons who are jointly entitled to be deemed the landlords of any tenant in matters connected with the granting of leases, ejectment, or the enhancement, abatement or recovery of rent, appoint any person to act on their behalf in any such matter or revoke such appointment, they shall notify such appointment or revocation for the information of their tenants in such manner as the Chief Commissioner may from time to time prescribe by rules in this behalf.

Any such appointment or revocation not so notified shall be null and void as against the tenant.

No. 4, p. 14.

Person appointed under section 45 deemed sole landlord.

B. 51.

46. Any person whose appointment has been so notified shall be deemed to be, for the purposes of this Act, and so far as his appointment may extend, the sole landlord of the tenants to whom his appointment has been notified, and shall alone be entitled to give receipts for rents, to grant leases, or enter into agreements with tenants, as the case may be, on behalf of the persons appointing him.

B. 52.

Rents in which two or more persons are interested as landlords.

47. When two or more persons are the joint landlords of any tenant in matters connected with the recovery of rents, such tenant, subject to any rule which the Chief Commissioner may make in this behalf, shall not be compelled to pay part of the rent of his holding to one of such persons and part to another or others; and such persons shall be bound, if the tenant so desires, to appoint one of their number, or some other person, in manner provided by section forty-five, to receive the rent of such holding.

(*H*).—*Miscellaneous Provisions.*

B. 53: No. 4, p. 14.

Presumptions in suits and proceedings between landlords and tenants.

48. In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown,—

(*a*) that a tenant who does not possess a right of occupancy or hold under an unexpired lease is an ordinary tenant within the meaning of this Act;

(*b*) that, except as by this Act provided, a tenant has no power to transfer or mortgage his holding without the consent of his landlord.

B. 54: No. 4, p. 14.

Relation between landlord and sub-lessee of tenant ejected or surrendering.

49. When any tenant having a right to sub-let sub-lets his holding or any portion thereof and is subsequently ejected by, or surrenders his holding to, his landlord, the sub-lessee shall be deemed to become the tenant of such landlord under the sub-lease; but such landlord shall be entitled to apply at any time under section thirty to a Civil Court to eject him.

B. 57: No. 3, p. 12: Compare Act X of 1859, ss. 2, 9, 80 & 81: Act XVIII of 1873, ss. 24 & 28: and Act XIX of 1868, s. 7.

Landlord or tenant may require that terms of tenancy be reduced to writing.

50. When land is held otherwise than under a written lease or agreement, either the landlord or the tenant may apply to a Revenue-officer to have the terms on which it is held reduced to writing.

B. 58.

Procedure on application under section 50.

51. On receiving an application for the reduction to writing of the terms of any tenancy in accordance with section fifty the Revenue-officer shall ascertain the matters, if any, on which the parties are at issue, and shall then—

(*a*) if it appears that there are no such matters in dispute, or that they have been already decided by a Court of competent jurisdiction in the applicant's favour, make the order applied for; or

(*b*) if the matters in dispute are such as a Revenue-officer is competent to determine, determine such matters, and make such order thereon as he thinks fit; or

(*c*) refer the parties to the Civil Court.

B. 59.

If order to execute any instrument is neglected, Revenue-officer may execute it.

52. If a landlord or tenant refuses or neglects to execute any instrument which he may be directed to execute under section fifty-one, the Officer may himself execute such instrument; and the instrument so executed shall be of the same force and effect as if it had been executed by the person who refused or neglected to execute it.

B. 60: Compare Irish Act, s. 6: Oudh, s. 27: Act X, sec. 24.

Applications to measure or ascertain condition of holdings.

53. If any landlord or tenant desires that the extent of any holding should be ascertained, or that evidence relating to any improvement made in respect there of by either of them, or to the state of such holding at any specified time, should be recorded, he may apply to a Revenue-officer, and such Officer shall thereupon make, or cause to be made, such enquiry as he thinks fit, with a view to ascertain or record the matters the ascertainment or record of which is desired by the applicant: Provided that—

no action shall be taken by any Revenue-officer under this section if it appears that the application is unnecessary or is made vexatiously, or that the matter the ascertainment of which is desired is being enquired into by any Civil Court.

Nothing in this section shall be deemed to affect the right of a landlord to enter on any holding for the purpose of measuring or examining the same.

When any matter has been ascertained and recorded under this section, both landlord and tenant, and all persons claiming under either of them, shall, in all subsequent proceedings before any Revenue-officer, or in any Civil Court, be bound by such record.

B. 8: No. 4, pp. 3 & 4.

Leases may be avoided when assessment is changed.

54. If any landlord grants a lease or enters into any other contract fixing the rent of any holding, and while such lease or contract is in force,—

(*a*) land-revenue is for the first time made payable in respect of the holding;

(*b*) land-revenue having previously been payable in respect of it, the revenue payable when the lease or other contract was executed is increased,

such lease or other contract shall be voidable at the option of the landlord, unless the tenant agrees to pay such rent as a Settlement-officer or Revenue-officer may on the application of the landlord determine to be fair and reasonable.

Where land-revenue having been payable in respect of the holding at the time when the lease or other contract was executed, the amount of such revenue is reduced, such lease or other contract shall, if the Chief Commissioner by any general or special order so directs, be voidable at the option of the tenant, unless the landlord agrees to accept such rent as a Settlement-officer or Revenue-officer may on the application of the tenant determine to be fair and reasonable.

CHAPTER III.

OF ORDINARY TENANTS.

(*A*).—*Preliminary.*

B. 61.

Presumption as to ordinary tenancies.

55. In all suits and proceedings between landlords and ordinary tenants, it shall be presumed, unless the contrary is shown, or unless there is an entry in the Record-of-rights to the contrary, that the rights and liabilities described in this chapter are incident to the tenure.

(*B*).—*Of Ejectment.*

B. 62: No. 2, p. 33.

Notice of ejectment.

56. Any landlord who desires to eject an ordinary tenant at the close of any agricultural year may, before the first day of December in such year, apply to a Civil Court to serve such tenant with a notice of ejectment; and such Court shall serve such notice.

B. 63.

Procedure when right to eject is disputed.

57. If any tenant upon whom a notice has been served under section fifty-six disputes the right of his landlord to eject him, he may, within one month from the date on which such notice is so served, institute a suit to contest such right.

B. 64: No. 2, pp. 33 & 34.

When protection-order may be granted.

58. Any ordinary tenant upon whom such a notice has been served, and who, not being a tenant of sír-land, or a sub-lessee, has, at the time when it is proposed to eject him, continuously for five years cultivated land in the village in which the land from which it is proposed to eject him is situated, and is, when such village is inhabited, resident therein, and has not, either in the agricultural year in which it is proposed to eject him, or in either of the two agricultural years next preceding, received from his landlord any assistance in his cultivation, may, within the said period of one month, apply to the Court by which such notice was served for an order of protection from ejectment; and such Court shall grant such order, unless the landlord satisfies it that hardship would be caused thereby.

Explanation.—Loss caused to the landlord by not obtaining a higher rent is not hardship within the meaning of this section.

B. 65.

Declaration of right to eject when to be made.

59. If, within the said period of one month, no suit is instituted under section fifty-seven, and no application is made under section fifty-eight, or if, on such a suit being instituted or application made, it is rejected, the Court may record a proceeding declaring that the landlord is entitled to eject the tenant.

B. 66.

Time for ejectment on declaration under section 59.

60. Any landlord in whose favour a declaration has been recorded under section fifty-nine may eject the tenant—

(*a*) when such declaration has been recorded before the seventeenth day of May in the agricultural year in which the application under section fifty-six was made—at any time during the said month of May;

(*b*) when such declaration has not been recorded before the said seventeenth day of May—at any time within fifteen days from the date of such declaration:

Provided that any such landlord, instead of ejecting such tenant himself, may, within the period prescribed by this section, apply under section thirty to a Civil Court to eject such tenant.

B. 67

Tenant may apply for order prohibiting ejectment.

61. Any ordinary tenant in respect of whom a declaration has been made under section fifty-nine and who, if ejected, would have a claim to retain any land or receive any compensation under section thirty-two, may, if he has reason to believe that his landlord is about to eject him without the assistance of a Court, apply to such Court as the Chief Commissioner may from time to time appoint in this behalf to make an order prohibiting the landlord from so ejecting him; and it shall be in the discretion of the Court to make such order.

B. 68. **62.** Any such tenant who has been ejected by a landlord without the assistance of a Court may, within the period of one month after such ejectment, apply to a Court appointed under section sixty-one—

Remedy of tenant ejected by landlord.

(*a*) to be put in possession of any land or to be awarded any compensation to which, under section thirty-two, he is entitled; and

(*b*) to compel the landlord to pay him any net sum to which if he had been ejected by the Court he would have been declared entitled under section thirty-five.

B. 69. **63.** On receiving such application, the Court shall proceed to determine the matters set forth therein, and may put the tenant into possession of any land to which he is entitled, and if any net sum as aforesaid, to which the Court finds the tenant to be entitled, is not paid by the landlord within such period as it fixes, may in its discretion reinstate the tenant in the land from which he has been ejected.

Procedure in such cases.

B. 70. **64.** A tenant to whom an order of protection is granted under section fifty-eight in one agricultural year may be ejected in a subsequent agricultural year if he ceases to reside in the village or receives assistance from his landlord in the cultivation of his holding.

Protected tenant may be ejected in subsequent year.

B. 71. **65.** All entries in the Record-of-rights of any village providing that any notice other than that hereinprescribed shall be given by a landlord before ejecting an ordinary tenant shall be void.

Certain entries in Record-of-rights declared void.

(*C*).—*Of the Rent payable by Ordinary Tenants.*

B. 72. **66.** The rent payable in any year of his tenancy by an ordinary tenant, not being a tenant who has obtained an order of protection under section fifty-eight, shall be,—

Rent payable by ordinary tenants.

(*a*) when such year is the first year of his tenancy, the rent which he agreed with his landlord to pay; or in the absence of any agreement, such rent as a Revenue-officer may, on application made to him, determine to be a fair rent;

Compare Act XIX of 1868, ss. 35 & 36.

(*b*) when such year is not the first year of his tenancy, the rent which was payable in the preceding year, unless a different rent has been agreed upon, in which case the rent so agreed upon shall be payable.

In fixing a fair rent under clause (*a*) of this section, the Revenue-officer shall have regard to the rates paid by ordinary tenants occupying lands of similar quality and with similar advantages in the neighbourhood, and to any expectations which the landlord may have held out to the tenant of occupying at rates lower than such rates.

The fact that in any year any sum was paid as rent shall, unless such payment was extorted or made through fraud or by mistake, be held to prove that the tenant agreed to pay a rent not less than such sum.

B. 5. **67.** When the area of a holding of an ordinary tenant is diminished, by diluvion or otherwise, during any year of tenancy, a Revenue-officer may, on application made to him, determine the rent payable for the holding for such year.

Diminution of area of holding.

B. 73. **68.** When a Court grants a tenant an order of protection under section fifty-eight it shall either fix his rent at the amount which he is paying at the time when he obtains such order, or fix a fair rent in manner prescribed by section sixty-six whichever may be greater.

Rents payable by protected tenants.

Rent which has been fixed under this section is liable to be refixed on the application of either the landlord or the tenant in any subsequent year.

B. 74: No. 3, p. 13. **69.** Except as provided in this Act, no Court shall determine the rent proper to be paid by an ordinary tenant.

No Court to determine rent payable by ordinary tenants except under Act.

70. An ordinary tenant shall not, in the absence of a written contract empowering him to do so, be entitled to sub-let his holding or any part thereof.

Sub-letting.

CHAPTER IV.

OF TENANTS FOR A FIXED TERM.

B. 75. **71.** A tenant for a fixed term shall on and after the first day of May next preceding the end of such term, be deemed to be, in matters relating to ejectment and reinstatement, an ordinary tenant:

Ejectment on expiry of term.

Provided that, if it be expressly stipulated in his lease that he shall quit his holding at the expiration of such term, the notice specified in section fifty-six shall not be required; and such tenant may, on the expiration of such term, be ejected by his landlord with or without the assistance of a Civil Court as if a declaration in respect of him had been made under section fifty-nine.

72. A tenant for a fixed term may, in the absence of any written agreement to the contrary, sub-let his holding or any part thereof.

Sub-letting.

CHAPTER V.

OF TENANTS WITH A RIGHT OF OCCUPANCY.

(*A*).—*Of the Acquisition of the Right of Occupancy.*

B. 76: No. 3, p. 15. **73.** Any owner of sír-land shall be deemed to become an occupancy-tenant of such land in the following cases, *viz.*:—

Ex-proprietors of sír-land.

(*a*) when he sells such land without expressly agreeing to transfer his right to cultivate it;

(*b*) when his interest in such land is sold for arrears of land-revenue; or

(*c*) when his interest in such land is sold in execution of any decree which does not declare his right to cultivate such land to have been expressly hypothecated to the judgment-debtor.

74. Any person recorded as an absolute occupancy raiyat or as a tenant with rights of occupancy of any land, or in terms equivalent thereto, in any record-of-rights of such land made before the passing of this Act, shall be deemed to have acquired a right of occupancy in the land in respect of which he may have been so recorded.

Persons recorded as occupancy-tenants.

B. 77: Compare Act XVIII of 1873, s. 8: No. 1, p. 16: No. 2, pp. 31 & 32: No. 3, p. 16: No. 2, p. 31: **75.** Every tenant who has held the same land continuously for twelve years shall be deemed to have acquired a right of occupancy therein: Provided that such land is not (1) held under a written lease in which it is stipulated that a right of occupancy shall not be acquired, or that the tenant shall quit the land at its termination; or (2) held in lieu of wages; or (3) sír-land.

Twelve years' rule.

Explanation I.—Land sub-let is not "held" either by the sub-lessee or his lessor within the meaning of this section.

Explanation II.—The occupation of the person from whom a tenant has inherited his holding, or, when the holding has been acquired by the tenant otherwise than by inheritance and the landlord was, or, had this Act been in force, would have been, bound to recognize such acquisition, the occupation of the person from whom it has been so acquired shall, for the purposes of this section, be deemed to be the occupation of the tenant.

No. 1, p. 12: No. 2, p. 30: No. 3, pp. 19, 22: Act XXVIII of 1868, s. 7. *Explanation III.*—When, by the custom of any village, the holdings of tenants are, or have been, liable to periodical redistribution, lands which a tenant may, in accordance with such custom, have from time to time received in exchange for lands previously held by him shall, for the purposes of this section, be deemed to be the same lands as the lands which he held prior to such exchange.

B. 78: No. 1, p. 12: No. 2, p. 30: No. 3, pp. 19-22: Act XXVIII of 1868, s. 7. **76.** A tenant having a right of occupancy in land situated in a village in which the holdings of tenants are by custom liable to periodical redistribution, and exchanging such land in accordance with such custom for other land situated in the same village, shall be deemed to have acquired a right of occupancy in the land so taken in exchange.

Case of lands re-distributed in accordance with village-custom.

B. 79: No. 1, p. 12: No. 2, p 30: No. 3, pp. 61 & 62: Act XXVIII of 1868, s. 7. **77.** If a tenant having a right of occupancy in any land ceases to hold such land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that he has accepted such other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of an agreement to the contrary, be deemed to have acquired a right of occupancy in the land which he so commences to hold.

Tenant changing land in other cases.

B. 80. **78.** In the districts of Chánda and Nimár every tenant shall be deemed to have a right of occupancy in respect of all land which he holds, except sír-land or land held by him under a sub-lease, or recorded as waste at the time of making the settlement for the time being in force, and taken up during the term of such settlement on a lease such as is mentioned in section seventy-five.

Tenants in Chánda and Nimár.

81. **79.** In the district of Sambalpúr, every tenant shall be deemed to be an occupancy-tenant in respect of all the land which he holds, except sír-land or land held by him under a sub-lease; and no such tenant shall be ejected except under an order passed in the execution of a decree for arrears under section twenty-nine.

Tenants in Sambalpúr.

B. 82. **80.** Nothing in this Act shall be held to debar any tenant from claiming a right of occupancy expressly conferred by a contract.

Tenant not barred from claiming right of occupancy acquired by contract.

(*B*).—*Of Succession to and Transfer of the Right of Occupancy and of Sub-letting.*

B. 83: No. 3, p. 37. **81.** The right of a tenant having a right of occupancy shall descend as if it were land: Provided that, except in the districts of Chánda, Nimár and Sambalpúr, no collateral relative of a tenant other than an absolute occupancy-tenant shall be entitled to inherit such right unless at the death of such tenant he was a co-sharer in the holding.

Descent of occupancy-right.

B. 84. **82.** Every tenant having a right of occupancy may transfer or mortgage such right in his holding, or any undivided share thereof without his landlord's consent, to any person who has become by inheritance a co-sharer with him in such holding.

Right of transfer.

No. 3, pp. 31-36. Every absolute occupancy-tenant, and, in the districts of Chánda and Nimár, every tenant having a right of occupancy, may transfer or mortgage his rights in his holding, or any undivided share thereof, to any person to whom the right of occupancy would, under the provisions of section eighty-one, descend at the death of such tenant if such person were then living.

B. 85. **83.** No entry in the Record-of-rights shall be deemed to entitle occupancy-tenants of any class to transfer or mortgage their holdings otherwise than in accordance with the provisions of this chapter:

Effect of entries in Record-of-rights.

Provided that nothing in this section shall be deemed to invalidate any transfer or mortgage made before the passing of this Act by an absolute occupancy-tenant under any power recorded in a Record-of-rights.

B. 86: No. 3, pp. 30-31. **84.** Every tenant having a right of occupancy may sub-let his holding or any part thereof:

Right to sub-let.

Provided that in the districts of Chánda and Nimár tenants who were not in possession of their holdings at the time when rents were fixed at a settlement shall not, during the term of such settlement, be entitled to sub-let.

B. 87: No. 3, p. 31. **85.** No tenant having a right of occupancy shall be ejected from his holding on the ground that he has agreed to transfer or has sub-let the holding when he had no power to transfer or sub-let the same if it appears that he so agreed, or sub-let, believing in good faith that he had such power.

Occupancy-tenant agreeing to transfer or sub-let under belief of his power to do so.

(*C*).—*Of the Rent payable by Tenants with a Right of Occupancy.*

B. 88: No. 4, p. 19. **86.** The rent payable in any year by a tenant having a right of occupancy in respect of his holding shall be that which was payable in respect of such holding in the year next preceding, unless a different rent has been agreed upon in writing between the landlord and tenant, or such rent is changed under this Act.

Rent of occupancy-tenant changeable in two ways only.

B. 89. **87.** A tenant with a right of occupancy and paying rent in money, or his landlord, may apply to a Settlement-officer if a settlement is in progress, or if no settlement is in progress and the rent of the holding has not been fixed at the existing settlement by a Settlement-officer, or after such settlement and

Power to fix money rent where not fixed at or since settlement.

after the passing of this Act by a Revenue-officer, to a Revenue-officer, to fix such rent; and such officer shall, except as otherwise provided by agreement between such landlord and tenant, fix such rent having regard to the following, that is to say :—

No. 2, p. 37: Cf. Act XIX of 1873, s. 72.

(*a*) to the rent-rates assumed for the purpose of assessing the land-revenue on similar land, with similar advantages, in the same circle or tahsíl; and to the customary rates of rent payable by tenants of the same class for similar land, with similar advantages, in the same circle or tahsíl;

(*b*) to any claim which the tenant has to pay rent at less than ordinary rates on the ground that some of the advantages with regard to which the lands included in his holding are classed were the result of improvements made by him;

(*c*) to any circumstances, such as the status or caste of the tenants, which the Chief Commissioner may from time to time by rule direct to be taken into account in reduction of such rent; and

No. 1, pp. 8 & 16: No. 2, p. 32: No. 3, pp. 23 & 24.

(*d*) when the application is made during the currency of a settlement to any changes in the value of the produce of land which have occurred after the settlement, and which the Chief Commissioner may from time to time by rule direct to be taken into account for this purpose :

Provided that the rent demandable from a tenant shall not be reduced under this section, except by a Settlement-officer.

"Circle" in this section means two or more villages grouped together for assessment purposes by a Settlement-officer, or declared by the Chief Commissioner to constitute an assessment-circle.

B. 90.

Certain rents to be deemed to have been fixed under section 87.

88. (*a*) Rents recorded at any settlement made before the passing of this Act as payable by tenants in the Sambalpúr district;

(*b*) rents of absolute occupancy-tenants in any other district recorded at or after a settlement made before the passing of this Act; and

(*c*) rents fixed before the passing of this Act by a Settlement-officer,

shall be deemed to have been fixed in manner prescribed by section eighty-seven.

B. 91: No. 1, pp. 8 & 16: No. 3, pp. 24 to 28.

Enhancement of rent fixed under section 87.

89. When the rent of a tenant having a right of occupancy has been fixed at or since the last settlement in manner prescribed by section eighty-seven, the landlord may, except as otherwise provided by any contract between the parties, apply from time to time to a Revenue-officer to enhance such rent on one or more of the following grounds, and on no other, namely :—

(*a*) that the rent last fixed under this Act was fixed lower than it otherwise would have been, owing to circumstances some or all of which have ceased to exist, and that no corresponding adjustment of the rent has been made;

(*b*) that since the rent was last fixed under this Act the Chief Commissioner has made a rule of the nature specified in section eighty-seven, clause (*d*), and applicable to the holding;

(*c*) that since the rent was last fixed under this Act the productive power of the holding has been increased otherwise than by the tenant or at his expense;

(*d*) that the extent of the tenant's holding is larger than the area in respect of which his rent was last fixed under this Act.

B. 92: No. 3, pp. 24 to 28.

Abatement of such rent.

90. When the rent of a tenant having a right of occupancy has been fixed at or since the last settlement in manner prescribed by section eighty-seven, such tenant may, except as otherwise provided by any contract between the parties, apply from time to time to a Revenue-officer for an abatement of his rent on one or more of the following grounds, and on no other, namely :—

(*a*) that since the rent was last fixed under this Act the Chief Commissioner has made a rule of the nature specified in section eighty-seven, clause (*d*), and applicable to the holding, or

(*b*) that, since the rent was last fixed under this Act the productive power of the holding has decreased otherwise than by his act, or

(*c*) that the extent of his holding is less than the area in respect of which his rent was last fixed under this Act.

B. 94: No. 3, p. 37.

Rents of certain tenants not to be charged on certain grounds.

91. Notwithstanding anything hereinbefore contained, the rents of occupancy-tenants in the districts of Sambalpúr, Chánda and Nimár, or of absolute occupancy-tenants, shall not be changed on the ground that a rule of the nature specified in section eighty-seven, clause (*d*), has been made, or on the ground that the productive power of the holding has increased or diminished, when such increase or diminution has not been caused by, or at the expense of, the landlord.

B. 95.

Restriction on agreements by tenants in Sambalpúr.

92. Contracts by which tenants having a right of occupancy in the district of Sambalpúr agree to pay rents at rates higher than the average rate at which, at the time of making the settlement for the time being in force, the rents of other lands in the same village of similar quality and possessing similar advantages were fixed, shall be void; but nothing in this section shall affect any contract to pay a reasonably enhanced rent in consideration of an increase in the productive power of the land having been effected through the agency or at the expense of the landlord.

B. 96.

Power to make rules for determining rents.

93. The Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Revenue and Settlement-officers in the determination of the rents of tenants having a right of occupancy, and declaring the principle on which reductions claimed by tenants under section eighty-seven, clause (*b*), may be allowed.

Settlement-officer may commute rents payable in kind.

94. In all cases in which a tenant with a right of occupancy has paid rent in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others, the landlord, or tenant, may apply while a settlement is in progress to a Settlement-officer, and during the term of a settlement to any officer specially empowered by the Chief Commissioner in this behalf, to commute such rent to a fixed money-rent; and, on the receipt of such application, such officer shall determine the rent to be paid in commutation, as if the rent previously

paid had been a money-rent and an application had been made to him to fix the same :

Act VIII of 1879, s. 9.

Provided that the Local Government may empower any such officer, when any such application made before him is opposed, to refuse, for reasons to be recorded by him in writing, to grant the same.

(*D*).—*Miscellaneous.*

B. 97.

Certain tenants declared to have preferential right to improve.

95. Every absolute occupancy-tenant and every tenant declared by section seventy-eight or section seventy-nine to have a right of occupancy shall be deemed to have, with respect to his landlord, a preferential right to make all improvements on his holding.

B. 99.

Presumption that provisions of chapter apply.

96. In all suits and proceedings between landlords and tenants having a right of occupancy, it shall be presumed, until the contrary is shown, or unless there is an entry in the Record-of-rights to the contrary, that the incidents of the tenure of every tenant who, at the passing of this Act, has, or may hereafter acquire, rights of occupancy, are those which are described in this chapter.

Quasi occupancy-tenants.

97. Any owner of sír-land who—

(*a*) gives a usufructuary mortgage of such land without expressly agreeing to transfer to the mortgagee his right to cultivate it; or

(*b*) is temporarily excluded from the proprietary possession of such land under the Central Provinces Land-revenue Act, 1880,

shall be entitled while such mortgage remains in force, or while he is so excluded from the proprietary possession, to retain the actual possession of the land, paying no more rent for the same than if he were an absolute occupancy-tenant.

CHAPTER VI.

JURISDICTION AND PROCEDURE.

B. 100: No. 3, p. 41.

Cognizance of certain applications.

98. The Revenue-officers shall have exclusive cognizance of the subject-matter of the following applications, namely :—

(1) applications to deposit rent (section 7);

(2) applications to divide, estimate or appraise a crop (section 13);

(3) applications to have the terms of a tenancy reduced to writing (section 50);

(4) applications to measure or ascertain the condition of a holding (section 53);

(5) applications to fix the rent of ordinary tenants (section 66);

(6) applications to fix the rent of the holding of an ordinary tenant which has been diminished by diluvion or otherwise (section 67);

(7) applications to fix or alter the rent of an occupancy-tenant (sections 87, 89 and 90);

(8) applications to commute rents (section 94);

and of such other matters as they are empowered to deal with under this Act; and, subject to the provisions herein contained, may grant such relief as the nature of the case requires :

Provided that nothing herein contained shall debar a Civil Court from exercising jurisdiction in regard to any of the following matters which may arise in any suit or proceeding instituted in such Court, namely :—

(*a*) measuring or ascertaining the condition of any holding, dividing, estimating or appraising any crop, or receiving any deposit;

(*b*) determining the rents payable by tenants when the yearly amount so payable has been fixed by a Revenue or Settlement-officer or by agreement between the parties.

Procedure on such applications.

99. In disposing of the matters referred to in section ninety-eight, the Revenue-officers shall, as nearly as may be, exercise the same powers and follow the same procedure as are exercised and followed by them under the Central Provinces Land-revenue Act, 1880.

From every order passed by a Revenue-officer in respect of any such matter, an appeal shall lie as if such order had been passed by such officer under the said Land-revenue Act.

B. 103: No. 3, pp. 41 to 45.

Jurisdiction of Civil Courts.

100. Subject to the provisions of section ninety-eight, the Civil Courts shall have jurisdiction in all matters arising between landlord and tenant: Provided that—

(*a*) no Judge of a Civil Court of first instance shall, unless he is also a Revenue-officer or a Settlement-officer, hear any suit between a landlord and a tenant as such; and

(*b*) the Chief Commissioner may, subject to the provisions of this Act, direct that all or any of such suits shall be tried before such Courts of such grades competent to try the same as he thinks fit and not otherwise.

B. 103 (*c*).

Certain suits may be entered in separate register.

101. The Chief Commissioner may direct that all or any of the following suits, namely,—

(*a*) suits for an arrear of rent;

(*b*) suits to eject a tenant or cancel a lease on account of a breach of the conditions of the tenancy or lease, whether compensation for such breach be also claimed or not;

(*c*) suits by tenants to recover rent wrongfully levied, or for penalties (section 9);

(*d*) suits by a tenant illegally ejected by his landlord for reinstatement or compensation (section 38);

(*e*) suits to contest the landlord's right to eject (section 57);

shall not be registered in the registers kept under the Code of Civil Procedure for the registration of civil suits, but in such other separate registers as he may prescribe.

B. 104: Act XVIII of 1878, s. 110.

Plaint in such suits.

102. In such suits the plaint shall, in addition to the matters mentioned in section 50 of the Code of Civil Procedure, specify the quantity of the land, and, when fields have been numbered in a Government survey, the number of each field comprised in the holding; and, in the case of suits for an arrear, the amount of the yearly rent and

the instalments according to which such rent is payable.

B. 106: Act XVIII of 1873, s. 143.

Allowance of pleaders' fees optional.

103. Pleaders' fees shall not be included as costs in such suits, unless the Court certifies that, for reasons to be recorded by it in writing, such fees ought to be allowed.

B. 107.

Recovery of penalties under section 9.

104. If, in any such suit, it appears that a tenant is entitled to recover any penalty from his landlord under section nine, the Court may include in its decree such penalty as it thinks fit within the limit specified in that section.

B. 108.

Changes made in Limitation Act as to period of appeals.

105. In the case of appeals from decrees or orders in such suits, the Central Provinces Courts' Act, 1865, section 15, shall be read as if, for the words "thirty days," "six weeks" and "ninety days," the words "fifteen days," "thirty days" and "sixty days" were respectively substituted.

An application for the re-admission of any such appeal dismissed for want of prosecution shall be made within fifteen days from the date of such dismissal.

B. 109: Act XIX of 1868, s. 20: Act XXVIII of 1868, s. 15.

When proceedings in suit for arrears may be stayed.

106. If, in a suit for an arrear of rent, it appears that the area of the holding has been diminished by dilution before or during the period in respect of which such arrear is claimed,

the Court may stay proceedings in the suit and refer the parties to a Revenue-officer in order that the rent of the holding may be determined.

B. 110: Act XIX of 1868, s. 13.

Set-off.

107. In any such suit no set-off shall be allowed except such amount as may be due to the tenant under a decree or order against the landlord as such.

B. 111.

Interest on arrears.

108. In any such suit interest may be allowed up to judgment, at such rate not exceeding twelve per cent. per annum as the Court thinks fit.

B. 112: Act IX of 1868, s. 118.

No process of execution to issue on decree for arrears after lapse of three years from date thereof.

109. No process of execution shall be issued to recover any sum due under a decree in any such suit after the lapse of three years from the date on which under the decree such sum became payable.

B. 113: Cf. Act X of 1859, s. 13.

No appeal in certain arrear-cases.

110. When any such suit is decided, whether on appeal or otherwise, by a Civil Judge exercising powers not less than those of an Assistant Commissioner of the first class as defined in the Central Provinces Courts' Act, 1865, the decision shall be final, and shall not be subject to appeal unless—

(*a*) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(*b*) a question relating to a title to land, or to some interest in land, has been determined as between parties having conflicting claims thereto.

New.

Limitation of suits by tenants to recover possession.

111. The period of limitation for a suit instituted by a tenant to recover the possession of land from which he has been ejected by any person other than his landlord shall be one year from the date on which he is ejected.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

SCHEDULE.

(*See section* 2.)

ENACTMENTS REPEALED.

Number of Act.	Short title.
Act X of 1859	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863	To amend Act X of 1859.
Act XXII of 1872	To explain and amend Act X of 1859.

STATEMENT OF OBJECTS AND REASONS.

The law at present governing the relations of landlords and tenants in the Central Provinces is Act X of 1859, an enactment which was originally framed with particular reference to the circumstances of Lower Bengal, and which has been found, in many respects, unsuitable to territories where proprietary right is of comparatively recent origin, and, indeed, in some districts is even now but imperfectly developed. Though the primary object of Act X of 1859 was to protect tenants who had been depressed, during a long course of years, by a powerful proprietary body, and though it certainly fulfilled its purpose in the Province for which it was enacted, the result of applying it to a country in which, until recently, the distinction between the cultivating and the revenue-paying classes was somewhat loosely marked, and where the position of the former was therefore exceptionally strong, has been absolutely to curtail their ancient privileges. Though this is the chief ground on which legislation is desirable, experience has shown that Act X of 1859 is inappropriate and inconvenient, both in its procedure and in some of its substantive provisions. To remedy this state of things the present Bill has been framed.

2. It will be observed (section 2, clause 1) that it applies only to land used for agricultural purposes, and to such land only when it is let to tenants of the class commonly known as raiyats. Many of its provisions, especially those of a protective nature, would obviously be unsuitable in cases where a village, or a considerable portion of a village, is leased to a thekadár or farmer who makes his own terms with the proprietor, and is quite well able to protect himself; but it will be a question for the Select Committee to which it is proposed to refer the Bill whether some portions of it might not with advantage be extended to cases of this description.

3. The provisions of the Bill are roughly divisible into two classes, namely, those of general application contained in Chapters II and VI, and those contained in Chapters III, IV and V, applying only to particular descriptions of tenants.

Beginning with the former class, and omitting all reference to such provisions as either speak for themselves or may be said to have become common forms in Upper India Tenancy Bills, section 10—which in effect provides that when the Government suspends or remits its revenue on any land in cases of drought, &c., the landlord may be required to suspend or remit his rent—may first be noticed.

4. This section is based on the similar provision of the North-Western Provinces Rent Bill at present before the Council, but with this important difference that, instead of requiring the Revenue-officer, on the revenue payable in respect of any tract being remitted or suspended, to go over all the holdings comprised in such tract and determine in the case of each whether any remission or suspension of rent should be allowed, it allows this question to stand over until an actual dispute regarding it arises between the parties; and then leaves it to be decided by the Court before which the landlord may claim his rent.

This deviation from the rule proposed for the North-Western Provinces appears advisable, because, owing to the comparative simplicity of landed tenures in the Central Provinces, suspensions or remissions of land-revenue may be granted without that minute field-to-field survey which is requisite in order to decide claims to suspension or remission of rent, and it is not desirable to throw upon the limited staff of officers available in these Provinces the labour of making such a survey merely for the purpose of settling such disputes as may arise on this point between landlords and tenants.

5. Section 11, which in effect prohibits leases at a rent smaller than the revenue payable on the land, is the complement of section 117 of the Central Provinces Land-revenue Bill, which invalidates revenue-free grants made by Málguzárs. The object of both is the same, *viz.*, to prevent improvident proprietors from depriving themselves of the means of meeting the Government demand upon their lands (see paragraph 12 of the Statement of Objects and Reasons of the Land-revenue Bill).

6. Passing over, for the moment, the special provisions relating to tenants in Chánda and Nimár contained in section 12, we come to sections 17 to 22, which treat of the landlord's lien upon the produce of his tenant's holding. This lien is intended to be a substitute for the present power of distraint, which, as a matter of fact, has scarcely ever been resorted to by the Central Provinces landlords, and which it is apprehended would, if commonly employed, lead to abuses. The provisions regarding it have been so framed as to enable a landlord, by the exercise of the most ordinary diligence, to obtain for each instalment of his rent a first charge upon all crops which may be on the land at the time it falls due or during the year following.

7. The effect of sections 27 to 38, relating to ejectment, taken with certain subsequent provisions of the Bill to which they refer, may be stated to be that, except (section 71) when there is a lease for a term with an express provision that the tenant shall quit at the end of such term, no tenant can be ejected from his holding by his landlord without an order of the Court; that as a rule in all contested cases the landlord will, after obtaining such order, not proceed to eject the tenant himself but apply to the Court to eject him; and that the Court will not eject the tenant until all claims on either side arising out of the tenancy have been adjusted.

8. Sections 39 to 44 relate to improvements and compensation therefor. They provide that, as a rule, the landlord shall be allowed the option of himself making any permanent improvement proposed by the tenant; but that, if he does not avail himself of the option thus allowed him, the tenant may make such improvement, and, having made it, shall be entitled to receive compensation in respect of it before being ejected. The rights thus conferred on the tenant cannot be affected by any contract or by any entry in a record-of-rights to the contrary.

9. Sections 45 to 47 are intended to relieve a tenant holding under a number of co-proprietors from the difficulties and perplexities in which he is now frequently involved owing to doubts as to the authority of individual co-proprietors. Section 47 provides that in such cases the co-proprietors shall be bound, if the tenant requires them to do so, to appoint one of their number, or some other person, to act on behalf of all of them and receive the entire rent of the holding.

10. Section 48 (*b*) enacts that, except as provided by the Bill, a tenant has no power to transfer or mortgage his holding without the consent of his landlord; and it may here be added that no such power is conferred by the Bill, except to a very limited extent in the case of the occupancy-tenants to be presently referred to.

11. Sections 50 to 52, which empower a Revenue-officer to cause the terms of a tenancy to be reduced to writing, at the instance of either party, when there appears to be no real dispute as to those terms, are intended to take the place to some extent of the ordinary provisions as to suits for pattás and kabúliyats.

12. Section 54, which provides for the readjustment of the rent fixed by a lease or contract whenever the holding falls under re-assessment, is in accordance with the general understanding that the rents of ordinary raiyats, though fixed by contract, are subject to revision at settlement.

13. With Chapter III of the Bill begin the provisions relating to certain particular classes of tenants.

These classes (putting aside for the moment certain tenants in the districts of Chánda, Nimár and Sambalpúr) are as follows, namely:—

(1) ordinary tenants (chapter III);

(2) tenants for a fixed term (chapter IV);

(3) tenants with a simple right of occupancy (chapter V);

(4) absolute occupancy-tenants (same chapter).

14. Taking these in their order, it will be seen from section 48(*a*) and section 55 that it is to be presumed, until the contrary is shown, that a tenant who does not possess a right of occupancy, or hold under an unexpired lease, is "an ordinary tenant," and that the rights and liabilities described in Chapter III are incident to his tenure.

15. The position of the ordinary tenant, as shewn in Chapter III, bears a considerable resemblance to that of a tenant from year to year in England; and in the Bill, as originally framed by Mr. Jones, such tenants were designated "tenants from year to year"; but it has been thought safer to avoid the use of a technical term borrowed from a different system of law, and accordingly the term "ordinary tenant," which connotes nothing, has been substituted for it.

16. The most striking feature in the position of such a tenant, as defined by the Bill, is that he cannot be ejected without the order of the Court, and that when he resides in the village, has cultivated any land there for five years, and has not within the preceding three years received any assistance in his cultivation from his landlord, he may, when an order for his ejectment is applied for, claim to be protected from ejectment; and the Court will be bound to protect him, unless the landlord shows that some hardship beyond a mere loss of rent will be thereby caused to him.

The practical result of these provisions will be that every tenant who resides in a village and has cultivated any land there for five years continuously will, as a rule, at once acquire in any land he may begin to cultivate in such village an inchoate status of occupancy.

This portion of the Bill has been retained practically unaltered, as it has met with the provisional approval of the Secretary of State in Council; but it is obvious that, if only by reason of its novelty, it will require the most careful consideration by the Select Committee.

17. As an "ordinary tenant" is either removeable upon notice, or (if protected) is in a temporary state of transition, it is not worth while to enact any elaborate rules for the fixation of his rent; and accordingly the provisions on this point in Chapter III will be found to be brief and simple.

18. Chapter IV relating to tenants for a fixed term calls for but little notice. The position and rights of such tenants will usually be regulated, to a great extent, by the terms of the leases under which they hold, and the only peculiarity introduced by the Bill is that, when the lease does not contain a stipulation expressly requiring the holding to be vacated at the expiration of the term, the tenant will, in the last year of such term, be deemed to become an "ordinary tenant," and to be entitled to all the privileges in regard to ejectment and protection against ejectment which are conferred on such a tenant by Chapter III.

19. Proceeding now to Chapter V, which deals with tenants with a right of occupancy, it will be seen that the status of an occupancy-tenant, when not conferred by express contract (section 80), may, as a rule, be claimed on any one of three grounds, namely:—

1*st*, that the land was formerly the property of the tenant and held by him as sír, and that he parted with it or lost his ownership in it in one of the modes mentioned in section 73:

2*ndly*, that the tenant was recorded as an occupancy-tenant of the land in a settlement-record prepared before the passing of the Bill; or

3*rdly*, that he has for twelve years continuously held the land, otherwise than under a written lease expressly debarring him from acquiring the status.

20. As regards the acquisition of the right in the third of these modes, it should be stated that *actual* occupation throughout the whole period is required, the right not being acquired when the land is sub-let. On the other hand, it is provided by the third Explanation to section 75 and by section 76 that neither the acquisition of the right nor its retention shall be affected by the circumstance that the tenant has shifted from one holding to another in accordance with a village-custom such as has been found to prevail in Chhattísgarh; and by section 77 that, once the right has been acquired, it shall not be lost by the tenant's removal to another holding, if it appears that he has removed on the understanding that his status is to remain unchanged; but that in such a case he shall have the rights of an occupancy-tenant on his new holding. This last provision is in accordance with section 7 of the Panjáb Tenancy Act of 1868, and it is important as a check upon the practice of persuading ignorant tenants to change their holdings, to which landlords are said sometimes to resort with a view to destroying occupancy-rights.

21. In whichever of the above modes the occupancy-status may have been acquired, its incidents will (section 96) be presumed to be those described in chapter V. The principal of those incidents are as follows:—

1*st*, that (section 81) the right of an occupancy-tenant descends lineally as if it were land, but does not pass to a collateral unless he is a cosharer in the holding;

2*ndly*, that, while an occupancy-tenant is allowed (section 84) to sub-let, he cannot (section 82) transfer or mortgage his holding except to a cosharer; and

3*rdly*, that he is, in the absence of a contract fixing his rent, entitled to have his rent fixed according to certain rules laid down by the Bill.

22. These rules for the fixation of rent are contained in sections 86 *et seq.*, and are among the most important provisions of the Bill.

Their most striking feature will be found to be the distinction which they make between the process of fixing rent for the first time after a new settlement has been taken in hand (section 87), and the process of subsequently during the currency of that settlement enhancing or reducing it.

A new settlement is considered to reopen completely the question of the rents to be paid by occupancy-tenants, and, accordingly, at the first determination of these rents after the settlement has commenced, *all* data and *all* circumstances which can properly be allowed any influence on the question will be taken into consideration. The rent-rates "assumed" by the Settlement-officer for the purpose of assessing the land-revenue and which approximate to the true economic rent, will be looked to; as also will the customary rates of rent which, as a matter of fact, are paid by tenants of the same class. Nor will other circumstances, such as the caste of the tenants, which it is found practically impossible to disregard in such cases, be left out of account.

But once the rents have been fixed in this way they will, during the currency of the settlement, be liable to be enhanced or reduced only on certain definite grounds. These grounds are (omitting one which is of minor importance)—

1*st*, that the area of the holding has been altered;

2*ndly*, that its productive power has been altered; and

3*rdly*, if the Chief Commissioner makes a rule admitting this as a ground for altering rents, that the *value* of the produce has increased or diminished.

23. The power of admitting this last circumstance as a ground for changing rent is placed in the hands of the Chief Commissioner in order to save the Revenue-officers the necessity of undertaking in individual cases long and minute inquiries into the history of prices in the neighbourhood since the rent was last fixed. When, owing to any considerable rise or fall of prices in any locality, such an inquiry appears to be called for, it will, it is conceived, be more successfully made once for all under the orders of the Chief Commissioner.

24. The "absolute occupancy-tenants," so called because, when the subject of occupancy-rights was still under discussion in the Central Provinces, their right of occupancy was considered to be beyond dispute, are simply occupancy-tenants with certain additional privileges. The status can be claimed only on the ground of an entry made in a record-of-rights prior to the passing of the Bill, and accordingly the number of such tenants is strictly limited.

They differ from ordinary occupancy-tenants chiefly in the following particulars, *viz.*:—

1*st*, that their right of occupancy descends in all cases to collaterals as well as lineally (section 81);

2*ndly*, that their right to transfer and mortgage their holdings is (section 82) somewhat larger than that of ordinary occupancy-tenants;

3*rdly*, that their rents when once fixed by a Settlement or Revenue-officer are not (section 91) liable to be enhanced or reduced on certain grounds on which the rents of ordinary occupancy-tenants may be enhanced or reduced; and

4*thly*, that they have (section 95) a right to make improvements in their holdings without offering their landlords the option of making such improvements.

25. As regards the second of these points it should be explained that it has not been considered advisable, in the interest of these tenants, to reserve to them the full right to transfer their holdings which was stipulated for in their behalf at settlement, but which has been found in practice to tempt them to incur debt and place themselves at the mercy of their landlords.

26. In the foregoing account of the provisions of the Bill all mention of the exceptional privileges and protection provided for tenants in the districts of Chánda, Nimár and Sambalpúr has for convenience sake been omitted, and it is accordingly necessary to advert to the subject here.

The relations between the persons who have been recorded as proprietors and those who have been recorded as tenants in these three districts were found on examination to differ considerably from those ordinarily subsisting between landlords and tenants. The rights of the former were so limited and those of the latter so large that it was at one time a question whether a raiyatwárí settlement would not, under the circumstances, be the most suitable.

When, therefore, it was eventually determined to make the settlement with the superior class of occupants as proprietors, it was found necessary to reserve for the inferior class rights considerably larger than those of ordinary tenants, and, in accordance with the arrangements then made, the Bill provides that (sections 78 and 79) tenants in these three districts shall as a rule be deemed to have a right of occupancy; that (section 79) a tenant in Sambalpúr shall not be ejected except under an order passed in execution of a decree for arrears; that (sections 81, 91, 95), as regards the descent of the occupancy-right, fixity of rent, and the right to improve, the occupancy-tenants in all three districts shall be on the same footing as absolute occupancy-tenants; and that (section 82) occupancy-tenants in Chánda and Nimár shall have the same powers of transfer as absolute occupancy-tenants. Lastly, in order to protect these tenants against attempts to break down the rights thus reserved to them, it has been thought well to introduce in sections 12 and 92 provisions which limit their power of contracting in regard to the amount of their rent.

27. It remains to speak of the Chapter (VI) relating to jurisdiction and procedure, and the only point calling for notice in it (besides the new rule of limitation laid down in section 111) is that it leaves all matters between landlord and tenant, except the fixation of rent, to be dealt with by the ordinary Civil Courts instead of establishing, as the North-Western Provinces Rent Act does, a special set of tribunals for their disposal. The reason for adopting this course may be very briefly stated. In the Central Provinces, the same officers as a rule discharge revenue and judicial functions, and there can never be any difficulty in arranging, as required by the proviso to section 100, that all suits between landlord and tenant shall be heard by judges who have had the necessary experience of revenue-administration. This being so, to establish a separate set of tribunals for the disposal of such suits would be merely to introduce a needless complication, and without any reason whatever to expose ourselves to all the conflicts of jurisdiction and other difficulties which have arisen in connection with the double system of tribunals elsewhere.

C. GRANT.

The 31*st July*, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 21, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1880, and was referred to a Select Committee:—

No. 13 of 1880.

A Bill for the determination of claims to Táj Mahal's pension.

Preamble.

WHEREAS by a treaty dated the 24th Shabán 1244, Hijrá, corresponding with the first day of March 1829, and made between His Majesty the King of Oudh and the Government of the Hon'ble the East India Company, it was (amongst other things) agreed that a certain pension therein specified should be paid by the English Government to one Nawáb Táj Mahal therein named, and that if she should die leaving an heir or heirs the English Government might at its election continue as before such pension to her heirs, or make over to them the principal sum proportionate to such pension according to the rate thereinbefore mentioned;

and whereas the said Táj Mahal is now dead and doubts exist as to who are her heirs, and it is therefore expedient to provide for the appointment of a person to represent her estate for the purpose of receiving such pension;

and whereas the Secretary of State in Council is desirous of making over to the persons entitled to receive the said pension the principal sum proportionate thereto as provided in the said treaty, and it is expedient to empower the said Secretary of State in Council to capitalize the said pension pending the appointment of a person as aforesaid; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "Táj Mahal's Pension Act, 1880"; and it shall come into force at once.

No obligation to pay except on production of certificate.

2. The Secretary of State for India in Council shall not be bound to pay the said pension or any portion thereof to any person claiming the same, except on the production by such person of a certificate, granted in the manner hereinafter provided, authorizing him to receive the same. Cf. Act XXVII of 1860, s. 2.

Certificate to be obtained by application to the District Court.

3. Any person considering himself entitled to the said pension or any portion thereof may apply in writing to the Court of the District Judge of Lucknow (hereinafter called the District Court) for a certificate authorizing him to receive the same. Cf. Act XXVII of 1860, s. 3.

Form of application.

The application shall be in such form and shall contain such particulars as the Governor General in Council may from time to time, by rules to be published in the *Gazette of India*, direct.

Publication of application and notice to persons desiring to oppose it.

4. The District Court shall fix a day for hearing the application, and shall cause to be stuck up in the court-house and otherwise published or made known at the expense of the applicant in such manner as it thinks fit a copy of the application, with a notice stating the time and place at which it will be heard, and calling upon all persons claiming to have a better right than the applicant to the grant of the certificate to come in and oppose the application.

5. On the day so fixed or any subsequent day to which the Court may adjourn the hearing, the Court shall, if no person claiming to have a better right than the applicant to the grant of the certificate is present, hear the application; and if, after recording the evidence produced by the applicant, in support of his claim and making such further enquiry (if any) as it thinks necessary, the Court is of opinion that the applicant has established his claim, it shall make an order for granting him a certificate.

Procedure at hearing when no opposition.

In the event of the applicant not having, in the opinion of the Court, established such claim, it shall make an order dismissing his application.

6. In any case in which any person claiming to have a better right than the applicant to the grant of the certificate is present, the Court shall, after hearing the application and recording the evidence produced by the applicant in support of his claim, hear such person and record the evidence produced by him in support of his claim, and shall then, after making such further enquiry (if any) as it thinks necessary, determine which of the parties (if either) has established his claim to the certificate, and shall make an order for granting the same accordingly.

Procedure in case of opposition.

In the event of neither party having, in the opinion of the Court, established his claim, the Court shall make an order dismissing both the application and the counter-claim.

7. When any order dismissing an application under section five or any order under section six is made, an appeal shall lie by any party to the proceedings who deems himself aggrieved by such order to the High Court, which may make an order dismissing such appeal or granting a certificate, or otherwise reversing or varying the order of the District Court as it thinks fit.

Appeal to the High Court.

8. The period of limitation for an appeal under section seven shall be sixty days from the date of the order appealed against.

Period of limitation for appeal.

See Act V of 1880, s. 200.

In computing such period, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

9. A certificate granted under this Act shall specify the payments which the person to whom it is granted is entitled to receive, and shall contain such other particulars as the Governor General in Council may from time to time prescribe in this behalf.

Form of certificate.

Act XXVII of 1860, s. 5.

10. (*a*) A certificate granted by the District Court under section five, or by the High Court on appeal under section seven, or

Effect of certificate.

(*b*) when a certificate has been granted under section six and the period of limitation fixed by section eight has expired without the institution of an appeal, such certificate

shall, while it remains in force, be conclusive evidence against the said Secretary of State in Council of the right of the person to whom it has been granted to receive the payments specified therein, and shall, unless or until it is rescinded and the authority rescinding it has given to the said Secretary of State in Council notice of such rescision, empower such person to give to the said Secretary of State in Council a full discharge for any such payment.

11. Nothing herein contained shall be deemed to affect the right of any person to recover by suit from the holder of a certificate granted under this Act the amount of any payment made to him in virtue of such certificate.

Right of third parties against holder of certificate saved.

Act XXVII of 1860, s. 6, para. 2.

12. The Court ordering any certificate to be granted under this Act may, if it thinks fit, direct that before such certificate is granted, such security (if any) as it thinks necessary shall be taken from the person to whom such certificate is to be granted, for his rendering an account of the payments to be received by him in virtue of such certificate to any person who may be entitled to recover from him in manner referred to in section eleven the whole or any part of such payments.

Court may take security from grantee of certificate.

Act XXVII of 1860, s. 5.

13. The District Court may, on the application of any person who has recovered by suit from the holder of a certificate the amount of any payment made to him in virtue of such certificate, grant a certificate to such person in supersession, wholly or in part, as the case may be, of the former certificate.

Court may grant fresh certificate to person who has recovered by regular suit amount paid to holder of old certificate.

Act XXVII of 1860, s. 6, para. 3.

No appeal shall lie from any order under this section.

On the grant of a fresh certificate under this section the former certificates shall be deemed to be rescinded wholly or in part (as the case may be).

Effect of fresh certificate.

Act X of 1865, s. 238.

14. In all proceedings under this Act the District Court and the High Court shall, as far as may be and except as herein otherwise provided, exercise the powers and follow the procedure conferred on and prescribed for a Court of first instance and a Court of appeal respectively by the Code of Civil Procedure: Provided that nothing contained in chapter XLV of the said Code shall apply to any order made in any such proceeding.

Proceedings to be regulated by Code of Civil Procedure.

15. The provisions of section thirteen of the said Code shall apply to all cases under section six of this Act in which the question of heirship to the said Táj Mahal, having been directly and substantially in issue in a suit in a Court of competent jurisdiction between the claimants, or between parties under whom they or any of them claim, has been heard and finally determined by such Court.

Matters decided in civil suits to be treated as *res judicata*.

16. All payments heretofore made by or on behalf of the said Secretary of State in Council under the said treaty shall be deemed to have been made in accordance with law: Provided that nothing in this section shall affect the right of any person to recover by suit the amount of any such payment from the person to whom the same has been made.

Indemnity as to payments already made.

17. The said Secretary of State in Council may, pending the grant of a certificate as hereinbefore provided, invest in securities of the Government of India the principal sum proportionate to the pension of the said Táj Mahal according to the rate mentioned in the said treaty.

Government empowered to capitalize the amount of the pension.

And, thereupon, all further claim to such pension shall cease, and the persons obtaining a certificate in manner hereinbefore provided shall be entitled in lieu of such pension to the Government Securities in which the principal sum proportionate to such pension has been invested.

On capitalization, all claim to pension barred.

STATEMENT OF OBJECTS AND REASONS.

In the year 1829 the then King of Oudh lent to the East India Company the sum of sixty-two lákhs and forty thousand rupees on the terms embodied in the treaty noted in the margin. The only part of its provisions which it is here necessary to notice is that by which the Company undertook to pay interest on the loan at the rate of five per cent. per annum, and further to pay a certain portion of this interest by way of what is called in the document a "pension" to a lady known as Táj Mahal during life, and on her death, in certain events, to her heirs, with the option, however, of paying to such heirs a principal sum proportionate to the pension of Táj Mahal instead of continuing to them such pension.

Treaty dated the 24th Shabán, 1244 Hijrá, corresponding with the 1st day of March, 1829, and made between His Majesty the King of Oudh and the Government of the Honourable the East India Company in respect to a sum His Majesty has advanced in loan.

2. Táj Mahal is now dead; and no less than five persons who claim to be her heirs, and therefore entitled to succeed to her pension, have come forward. Even if all these claimants were to settle their rights in the Courts of law and some one of them was to obtain a decision declaring him to be the heir, the Government could not be sure that he was the right heir; for the family is so scattered, and there are such contradictory accounts of its history, that some other claimant might at any moment start up.

3. The present Bill has been prepared to remove this difficulty. It enacts that the Government shall not be bound to make any payment under the treaty to any person claiming as heir to Táj Mahal unless he produces a certificate to be granted by the Civil Court authorizing him to receive such payment; it provides full and complete indemnity to Government when it makes any such payment to any person producing such certificate, and it carefully preserves the rights of third parties against the persons to whom such payments may be made. A simple procedure is prescribed for the Civil Court in matters relating to the grant of a certificate; and an appeal within a certain limited period is given from its decision to the Court of the Judicial Commissioner, whose decision is to be final. All payments under the treaty which may heretofore have been made by the Government are validated.

4. Lastly, the Bill provides for the capitalization of the pension contemplated by the treaty being carried out in anticipation of the grant of the certificate. The Government is not bound to continue paying to the pensioners the present high rate of interest, but might, under the terms of the document, pay off the capitalized value of the pension at once. As the Government certainly would do this if it could ascertain who the rightful heir is, the claim of any heir succeeding is practically a claim for the capital.

B. W. COLVIN.

The 24th July, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1880, and was referred to a Select Committee:—

No. 14 of 1880.

THE CENTRAL PROVINCES TENANCY BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

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

CHAPTER II.

OF CERTAIN RELATIONS BETWEEN LANDLORDS AND TENANTS IN GENERAL.

(A).—*Of Rent generally.*

4. Presumption that rent continues unchanged.
5. Date from which orders changing rents operate.
6. Dates on which rents are payable.
7. Tenant may in certain cases deposit rent with Revenue-officer.
8. Deposit to be deemed a payment to the landlord.
   Revenue-officer how to deal with deposit.
9. Penalty for exaction by landlord.
   For not giving receipt.
10. Suspension or remission of rent in certain cases of drought, &c.
11. No rent to be less than the revenue.
12. Special rule as to contracts fixing rent in Chánda and Nimár.

(B).—*Of Rents taken by Division or Estimate of the Crops.*

13. Procedure for dividing or estimating crops.
14. Appointment of assessors.
15. Remedy for error in division.
16. Effect of estimate.

(C).—*Of the Landlord's Lien upon the Produce of a Tenant's Holding.*

17. Definitions.
18. Priority conferred on attachments of crops made by landlords.
19. Tenant may reap attached crops.
20. Sale of produce of tenant's holding to be deferred in certain cases.
21. Retention of sale-proceeds by the Court in certain cases.
22. Attachment before judgment in suits for arrears.

SECTIONS.

(D).—*Of Surrender and Abandonment by Tenants.*

23. Notice of surrender to be given by tenant.
24. Tenancy when terminated by such notice.
25. Consequences of irregular surrender or abandonment.
26. Surrender to be of the entire holding.

(E).—*Of Ejectment.*

27. No ejectment by landlord except as herein provided.
28. Ejectment by Civil Court—
    (a) in execution of decree for ejectment;
    (b) in execution of decree for arrears;
    (c) on an application under certain provisions of this Act.
29. Ejectment in execution of a decree for arrears.
30. Application to a Civil Court to eject.
31. Procedure thereon.
32. Rights of tenant in respect of crops and land prepared for sowing.
33. Payment by tenant for occupation of land under section 32.
34. Account to be taken generally between landlord and tenant.
35. Procedure when, on ejectment, money has to be paid by the landlord to the tenant.
36. Transfer of holding while suit for arrears is pending.
37. When proceedings to eject to be stayed.
38. Remedy of tenant illegally ejected.

(F).—*Of Improvements and Compensation therefor.*

39. Preferential right to improve.
40. Compensation for improvements payable to tenants on ejectment.
41. Principle on which compensation to be assessed.
42. Shape in which compensation may be given.
43. Agreements not to make improvements, &c., void.
44. Certain entries in Records-of-rights to be void.

(G).—*Case of several Persons, Landlords of the same Land.*

45. Appointment of person to act on behalf of several landlords.
46. Person appointed under section 45 deemed sole landlord.
47. Rents in which two or more persons are interested as landlords.

(H).—*Miscellaneous Provisions.*

48. Presumptions in suits and proceedings between landlords and tenants.
49. Relation between landlord and sub-lessee of tenant ejected or surrendering.
50. Landlord or tenant may require that terms of tenancy be reduced to writing.
51. Procedure on application under section 50.
52. If order to execute any instrument is neglected, Revenue-officer may execute it.
53. Applications to measure or ascertain condition of holdings.
54. Leases may be avoided when assessment is changed.

CHAPTER III.

OF ORDINARY TENANTS.

(A).—*Preliminary.*

55. Presumption as to ordinary tenancies.

SECTIONS.

(B).—*Of Ejectment.*

56. Notice of ejectment.
57. Procedure when right to eject is disputed.
58. When protection-order may be granted.
59. Declaration of right to eject when to be made.
60. Time for ejectment on declaration under section 59.
61. Tenant may apply for order prohibiting ejectment.
62. Remedy of tenant ejected by landlord.
63. Procedure in such cases.
64. Protected tenant may be ejected in subsequent year.
65. Certain entries in Record-of-rights declared void.

(C).—*Of the Rent payable by Ordinary Tenants.*

66. Rent payable by ordinary tenants.
67. Diminution of area of holding.
68. Rents payable by protected tenants.
69. No Court to determine rent payable by ordinary tenants except under Act.
70. Sub-letting.

CHAPTER IV.

OF TENANTS FOR A FIXED TERM.

71. Ejectment on expiry of term.
72. Sub-letting.

CHAPTER V.

OF TENANTS WITH A RIGHT OF OCCUPANCY.

(A).—*Of the Acquisition of the Right of Occupancy.*

73. Ex-proprietors of sír-land.
74. Persons recorded as occupancy-tenants.
75. Twelve years' rule.
76. Case of lands re-distributed in accordance with village-custom.
77. Tenant changing land in other cases.
78. Tenants in Chánda and Nimár.
79. Tenants in Sambalpúr.
80. Tenant not barred from claiming right of occupancy acquired by contract.

(B).—*Of Succession to and Transfer of the Right of Occupancy and of Sub-letting.*

81. Descent of occupancy-right.
82. Right of transfer.
83. Effect of entries in Record-of-rights.
84. Right to sub-let.
85. Occupancy-tenant agreeing to transfer or sub-let under belief of his power to do so.

(C).—*Of the Rent payable by Tenants with a Right of Occupancy.*

86. Rent of occupancy-tenant changeable in two ways only.
87. Power to fix money rent where not fixed [illegible] or since, settlement.
[illegible] tain rents to be deemed to have been [illegible]xed under section 87.
89. Enhancement of rent fixed under section 87.
90. Abatement of such rent.
91. Rents of certain tenants not to be changed on certain grounds.
92. Restriction on agreements by tenants in Sambalpúr.
93. Power to make rules for determining rents.
94. Settlement-officer may commute rents payable in kind.

(D).—*Miscellaneous.*

95. Certain tenants declared to have preferential right to improve.
96. Presumption that provisions of chapter apply.
97. *Quasi* occupancy-tenants.

CHAPTER VI.

JURISDICTION AND PROCEDURE.

98. Cognizance of certain applications.
99. Procedure on such applications.
100. Jurisdiction of Civil Courts.
101. Certain suits may be entered in separate register.
102. Plaint in such suits.
103. Allowance of pleaders' fees optional.
104. Recovery of penalties under section 9.
105. Changes made in Limitation Act as to period of appeals.
106. When proceedings in suit for arrears may be stayed.
107. Set-off.
108. Interest on arrears.
109. No process of execution to issue on decree for arrears after lapse of three years from date thereof.
110. No appeal in certain arrear-cases.
111. Limitation of suits by tenants to recover possession.

SCHEDULE.

Abbreviations used in the margin.

Nos. 1, 2, 3 and 4 refer to the papers relating to the Bill.

B. 1, B. 2, &c., refer to the sections of the amended draft of Mr. Jones' Bill prepared while Mr. F. Cockerell had charge of the Bill.

A Bill to consolidate and amend the law relating to agricultural tenancies in the Central Provinces.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Central Provinces Tenancy Act, 1880."

Local extent.

It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in Part VI of schedule I of the Scheduled Districts Act, 1874; B. 1.

Commencement.

and it shall come into force on such date as the Chief Commissioner, with the previous sanction of the Governor General in Council, may fix in this behalf.

Enactments repealed.

2. The enactments specified in the schedule hereto annexed are repealed. B. 2.

Suits and applications instituted and made under any such enactment, and pending at the time this Act comes into force before any officer before whom they would have been instituted or made if this Act had been in force, shall be deemed, so far as may be, to have been respectively instituted and made under this Act.

Interpretation-clause.

B. 3. 3. In this Act, unless there is something repugnant in the subject or context, the following words and phrases shall be construed as next hereinafter provided, that is to say:—

"Land."

(1) "Land" means land which is let or occupied for agricultural purposes, or for purposes ancillary to agriculture, and includes the sites of buildings appurtenant to such land:

"Tenant."

(2) "Tenant" means a person who holds land of another person and is, or but for a special contract would be, liable to pay rent for such land to such other person. But it does not include a farmer, thikadár or other similar lessee of a whole village or a portion thereof not being less than one-half.

Explanation.—An inferior proprietor is not, as such, a tenant.

"Landlord."

(3) "Landlord" means the person of whom a tenant holds land, and to whom such tenant is, or but for a special contract would be, liable to pay rent for such land; but when the right to receive rent, or any other right which a landlord is ordinarily entitled to exercise, is for the time being vested in a person other than the person of whom the land is held, such other person shall be deemed to be the landlord in respect of the right so vested.

A superior proprietor is not, as such, a landlord.

Act XVIII of 1873, s. 3, (2). "Rent."

(4) "Rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant to a landlord, on account of the use or occupation of land:

C. P. Rev. Bill, sec. 4 (18). "Pay" and "payable."

(5) "Pay" and "payable" used with reference to rent include "deliver" and "deliverable":

"Arrear."

(6) "Arrear" means an instalment of rent which is not paid on or before the date on which it is payable:

"Holding."

(7) "Holding" means and includes all land held by a tenant under the same lease or conditions.

"Village."

(8) "Village" includes any local area which at the last preceding settlement has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of this Act:

Cf. Act XVIII of 1873, sec. 44; Act XIX of 1868, sec. 23; Panjáb, sec. 37; Irish Act, sec. 70. "Improvement."

(9) "Improvement" means, with reference to a holding, any work which, not diminishing the value of any other part of the landlord's estate, adds to the letting value of such holding; is suitable to it and consistent with the purpose for which it was let; and, if not executed on the holding, is either executed directly for its benefit or is after execution made directly beneficial to it.

It includes the reclaiming, enclosing or clearing of lands for agricultural purposes, and the renewal or reconstruction of works which, when first undertaken, were improvements.

But it does not include any class of embankments constructed for the purpose of flooding or retaining water on fields which the Chief Commissioner may from time to time declare to be excluded from this definition.

Explanation.—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement.

"Agricultural year."

(10) "Agricultural year" means the year commencing on the first day of June:

"Absolute occupancy-tenant." C. P. Rev. Bill, s. 4 (19).

(11) "Absolute occupancy-tenant" means, in reference to any land, a tenant who, in any record-of-rights made before the passing of this Act, was recorded in respect of such land as an "absolute occupancy raiyat" or in terms equivalent thereto:

"Sír-land." C. P. Rev. Bill, sec. 4 (7).

(12) "Sír-land" means—

(a) land recorded as "sír" in the papers of the last preceding settlement, or

(b) land not so recorded, but which has been continuously cultivated by the proprietor or one of the proprietors thereof for not less than twelve years, or

(c) land which, being left uncultivated otherwise than in the ordinary course of husbandry, has been broken up by the proprietor or one of the proprietors thereof and continuously cultivated by him for not less than six years:

Provided that such land has not after the date of such settlement, or the expiry of such period of twelve years, or six years, (as the case may be), been continuously for a period of three years unoccupied by such proprietor.

Explanation (i).—Land is not unoccupied by the proprietor within the meaning of this definition when it is leased out by him with an express reservation of his sir-rights:

Explanation (ii).—"Sír-land" includes "bhogra" land in Sambalpúr.

"Record-of-rights." C. P. Rev. Bill, sec. 4 (20).

(13) "Record-of-rights" includes the "supplementary administration-paper" prepared at the time of making a settlement before the passing of this Act.

"Revenue-officer." New.

(14) "Revenue-officer" in any provision of this Act means such Revenue-officer appointed under the Central Provinces Land-revenue Act, 1880, as the Chief Commissioner may from time to time direct by name or by virtue of his office to discharge the functions of a Revenue-officer under such provision.

CHAPTER II.

OF CERTAIN RELATIONS BETWEEN LANDLORDS AND TENANTS IN GENERAL.

(A).—*Of Rent generally.*

Presumption that rent continues unchanged.

4. In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown, that the rent for any year payable by a tenant is, if the area of his holding remains unaltered, that which was payable by him in the last preceding year. B. 4.

B. 6.

5. When the rent of a holding is changed under any provision of this Act, the change shall take effect from the commencement of the agricultural year following the date of the application upon which such change is ordered: Provided that, if the application is made on the ground mentioned in section sixty-seven, section eighty-nine, clause (*d*), or section ninety, clause (*c*), the change shall take effect from such date as the Court fixes.

Date from which orders changing rents operate.

B. 10: No. 3, p. 51: Act XVIII of 1873, sec. 212.

6. In the absence of any contract to the contrary, rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by rule prescribe, and in the absence of such rule, according to local usage.

Dates on which rents are payable.

B. 11: Compare Act XVIII of 1873, secs. 50 to 55.

7. When any landlord, upon tender being made to him by any tenant of any instalment of rent payable in money, refuses to accept the same, or to grant a receipt therefor, and

when any tenant, in the case mentioned in section forty-seven, desires the appointment of a person to receive rents payable in money and no such appointment is made, and

when any tenant in any other case is doubtful as to the person entitled to receive any such rent from him,

such tenant may apply to a Revenue-officer for permission to deposit the amount of rent which he believes to be due; and such officer shall receive such deposit, unless after examining the applicant the application appears unnecessary or made in bad faith.

Tenant may in certain cases deposit rent with Revenue-officer.

B. 11, last para.

8. When any deposit has been received under the provisions of section seven, it shall, unless it appears that it was made in bad faith, or that it was less than the amount due, be deemed to be a payment made by the tenant to the landlord, or the person appointed to receive such rent, as the case may be.

Deposit to be deemed a payment to the landlord.

A Revenue-officer receiving any such deposit may pay the amount thereof to any person appearing to him to be entitled to receive the same, or may in his discretion retain the same pending the decision of a Civil Court.

Revenue-officer how to deal with deposit.

No suit or other proceeding shall be instituted against the Secretary of State in Council or against any officer of the Government in respect of anything done by a revenue-officer under the last preceding clause, but nothing herein contained shall prevent any person entitled to receive the amount of any deposit from recovering the same from a person to whom it has been paid.

B. 12: Compare Act XVIII of 1873, sec. 48.

9. Every tenant from whom his landlord levies any unauthorized cess, or any rent exceeding the amount payable by such tenant, shall be entitled to recover, by suit in a Civil Court, from the landlord the amount so wrongfully levied, together with such penalty not exceeding double such amount as the Court thinks fit.

Penalty for exaction by landlord.

Compare Act XVIII of 1873, s. 48.

When any landlord withholds a receipt for rent paid by a tenant, or in giving such receipt omits to specify the period or crop in respect of which the payment is made, such tenant shall be entitled to recover, by suit in a Civil Court, from such landlord such penalty not exceeding double the amount of the rent so paid as the Court thinks fit.

For not giving receipt.

The period of limitation for a suit instituted under this section shall be one year from the date on which the cause of action accrues; in other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

10. Whenever any portion of the Government revenue payable in respect of any land is remitted or suspended in consequence of the cultivation of such land being obstructed or the crops on such land being damaged or destroyed by drought, flood, locusts or any other cause beyond the control of a cultivator, the Chief Commissioner may by written order direct that a tenant of any portion of such land may, in any suit brought against him by his landlord for the rent due in respect of such portion of land for the season in which such obstruction, damage or destruction occurred, prove that such obstruction, damage or destruction occurred to a material extent upon such portion of land, and the Court may thereupon remit or suspend such portion of the rent due as it deems reasonable.

B. 7: No. 4, pp. 1-3.

Suspension or remission of rent in certain cases of drought, &c.

11. A lease or other contract permitting a tenant to hold without payment of rent or fixing the rent payable by a tenant at an amount or value less than the amount of the revenue payable in respect of the holding shall be deemed to fix the rent at the amount of such revenue.

No rent to be less than the revenue.

12. When any land in any village in either of the districts of Chánda and Nimár has been recorded as waste at the last preceding settlement, and any person having been for the three years preceding continuously cultivating in such village enters into any contract whereby he agrees to pay for such land any rent at a rate exceeding that which the Chief Commissioner may have prescribed in this behalf and caused to be entered in the Record-of-rights at such settlement, such contract shall be deemed to be a contract to pay rent at the rate so prescribed and entered.

B. 13.

Special rule as to contracts fixing rent in Chánda and Nimár.

When any such land has not been recorded as waste at the last preceding settlement, and any person enters into any contract whereby he agrees to pay for such land rent at a rate exceeding the rate so prescribed and entered, such contract shall be deemed to be a contract to pay at the rate so prescribed and entered.

Nothing in this section applies to sír-land or land taken under a sub-lease.

(*B*).—*Of Rents taken by Division or Estimate of the Crops.*

13. When rent is taken by division of the produce, or by estimate or appraisement of a crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time, or there is a dispute regarding the division of the said produce, or the quantity or value of the crop, an application may be made by either party to a Revenue-officer requesting that a commission may issue for such division, estimate or appraisement.

B. 14: Act XVIII of 1873, s. 43.

Procedure for dividing or estimating crops.

If either party satisfies the officer that he has reason to believe that the other party will not so attend, or that, if he does so attend, there will be a dispute regarding such division, estimate or appraisement, the officer may in his discretion order the issue of such commission.

B. 15.

14. When a Revenue-officer appoints any person a Commissioner for any of the purposes mentioned in section thirteen, such officer may, in his discretion, direct such person to associate with himself any other persons as assessors, and may give instructions regarding the number and mode of selection of such assessors, and the procedure to be followed in making such division, estimate or appraisement.

Appointment of assessors.

B. 16: Ajmer Land Regulation, sec. 49.

15. If, in any division under the foregoing provisions either party receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date.

Remedy for error in division.

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed as between the parties thereto to have been rightly made.

B. 17.

16. When a crop has been estimated or appraised under the foregoing provisions, such estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom such Commissioner was appointed.

Effect of estimate.

Ajmer Land Regulation, s. 51.

Either party may within three months from the date on which an estimate or appraisement is submitted under this section institute a suit against the other party to set aside such estimate or appraisement on the ground that it was made in bad faith and on no other ground. If no such suit is instituted within the period thus limited, such estimate or appraisement shall be as between the parties thereto for all purposes final and conclusive.

No. 3, pp. 48 to 51.

(*C*).—*Of the Landlord's Lien upon the Produce of a Tenant's Holding.*

B. 18.

17. In this section and sections eighteen to twenty-two, both inclusive, the following expressions shall have the meanings hereby attached to them:—

Definitions.

(*a*) "landlord's fortnight" means, with reference to a holding, a period of fourteen days next after the date on which an instalment of rent has fallen due in respect of such holding.

(*b*) "produce of a tenant's holding" includes standing crops and other ungathered products of such holding, and crops and other products reaped or gathered, but not stored otherwise than in exercise of a right or power conferred by section nineteen.

Explanation.—Crops and other products deposited on a threshing-floor or place for treading out the grain or the like shall not, by reason of their being so deposited, be deemed to be stored.

B. 19.

18. When the produce of a tenant's holding is attached in execution of a decree for an arrear due in respect of such holding, the attachment shall, in respect of such part of the claim as may be for an arrear which fell due within one year next before the date of such attachment, prevail against any prior assignment of or charge on such produce by way of sale, mortgage or otherwise; and if there are prior attachments, the landlord shall, in respect of the said part of the claim, be held to be the creditor first entitled to be paid out of the proceeds of the sale.

Priority conferred on attachments of crops made by landlords.

B. 20: Act X of 1859, sec. 118.

19. Standing crops and other ungathered products of a holding may, while under attachment, by any order of a Civil Court, be reaped and gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the tenant neglects to do so, the Civil Court shall cause the said crops and products to be reaped and gathered, and stored, either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

Tenant may reap attached crops.

B. 21.

20. If the produce of a tenant's holding is attached by order of a Civil Court on the application of any person other than the landlord, it shall not be brought to sale—

Sale of produce of tenant's holding to be deferred in certain cases.

(*a*) if the attachment is made during a landlord's fortnight, before the end of such fortnight;

(*b*) if the attachment is made at any other time, before the end of the landlord's fortnight next ensuing.

If, having been so attached, it is again within the landlord's fortnight mentioned in clause (*a*) or clause (*b*) attached before judgment in a suit brought by the landlord to recover the instalment of rent which fell due in respect of the holding at the beginning of such fortnight, the sale shall be further deferred until the decision of the landlord's suit:

Provided that no sale shall be deferred under this section—

(*a*) if the landlord consents that it shall be held; or

(*b*) if, when the attachment of the Civil Court has been made within a landlord's fortnight, the amount of the instalment which fell due at the beginning of such fortnight has been paid to the landlord or into Court; or

(*c*) if, when the attachment has been made at any other time, the amount of the instalment falling due at the beginning of the landlord's fortnight next ensuing has been paid to the landlord or into Court; or

(*d*) when the produce is liable to speedy natural decay.

B. 22.

21. In the case of a sale under the proviso (*d*) of section twenty, the nett proceeds of the sale shall be retained by the Court until the date on which the produce would otherwise have been sold; and attachments made by the landlord shall, in respect of such proceeds, have the same priority which they would have had in respect of the produce if it had not been brought to immediate sale.

Retention of sale proceeds by the Court in certain cases.

B. 23.

22. If, within a landlord's fortnight, a landlord makes an application to attach before judgment, in respect of an arrear falling due at the beginning of such fortnight, the produce of the tenant's holding or the nett proceeds of the sale of such produce retained by the Court

Attachment before judgment in suits for arrears.

under section twenty-one, the Court shall make such attachment accordingly, and such attachment shall be maintained up to judgment notwithstanding any objection made thereto. But, if it should afterwards appear that such application was vexatiously and unnecessarily made, the Court may award to any party aggrieved thereby such compensation as it thinks fit.

(*D*).—*Of Surrender and Abandonment by Tenants.*

B. 24. **23.** Except as otherwise provided by contract between the parties, any tenant desiring to surrender his holding may, before the first day of April in any agricultural year,—

Notice of surrender to be given by tenant.

(*a*) present to his landlord a notice in writing declaring his intention to surrender such holding at the end of such year;

(*b*) apply to such Civil Court as the Chief Commissioner may from time to time appoint in this behalf to serve such notice upon such landlord.

Every landlord to whom a notice is presented under this section shall be bound to give a written receipt for the same; and every Court to which an application is made to serve a notice under this section shall comply with such application.

B. 25. **24.** When such notice has been so presented and acknowledged before the first day of April in any agricultural year, or when, on an application made before the first day of April in any such year, such notice is so served before the first day of May in such year, the tenancy in respect of which such notice has been presented or served shall terminate at the end of such year.

Tenancy when terminated by such notice.

B. 26. **25.** Any tenant who, except with the consent of his landlord or in the exercise of a right conferred by contract, surrenders or abandons his holding otherwise than as provided by sections twenty-three and twenty-four, shall be liable for the rent which would have been payable by him during the whole of the agricultural year in which he so surrenders or abandons his holding and the whole of the agricultural year next following if his tenancy had continued: Provided that no such tenant shall be liable for such rent in respect of any portion of such following year during which the holding or any portion thereof has been in the actual occupation of the landlord, or let by him to another tenant.

Consequences of irregular surrender or abandonment.

B. 28. **26.** No tenant shall be entitled to surrender a part only of his holding except in the exercise of a right conferred by contract or with the consent of his landlord.

Surrender to be of the entire holding.

(*E*).—*Of Ejectment.*

B. 29. **27.** No tenant shall be ejected from his holding by or at the instance of his landlord except—

No ejectment by landlord except as herein provided.

See s. 60. (*a*) by his landlord in exercise of a right hereinafter conferred; or

(*b*) by a Civil Court at the instance of his landlord as next hereinafter provided.

B. 30. **28.** A tenant may be ejected from his holding by a Civil Court in the following modes, that is to say,—

Ejectment by Civil Court—

(*a*) in execution of a decree for ejectment;

in execution of decree for ejectment;

(*b*) under a special order made in the execution of a decree for an arrear due in respect of such holding; or

in execution of decree for arrears;

(*c*) if he is a tenant for a term, or an ordinary tenant or a sub-lessee of a former tenant on an application by the landlord under one of the provisions relating to such tenants hereinafter contained. See ss. 60, 71 & 49.

on an application under certain provisions of this Act.

29. When on the sixteenth day of May in any agricultural year, or such other day of the year as the Chief Commissioner may by rule fix in substitution for the sixteenth of May in this behalf, the landlord has obtained a decree against the tenant for an arrear of rent of any land and the amount of such decree or any portion of such amount remains unpaid, B. 32: Act XVIII of 1873, ss. 34 & 35.

Ejectment in execution of a decree for arrears.

the landlord may apply to the Court having authority to execute such decree to make an order directing that the tenant shall be ejected from such land; and the Court may make such order:

Provided that no ejectment shall be made under this section at any time less than fifteen days from the date of the decree.

30. Any landlord who has obtained in respect of any holding a decree for ejectment, or an order under section twenty-nine, or who is entitled under the provisions hereinafter contained to make the application next hereinafter mentioned, B. 33.

Application to a Civil Court to eject.

may apply to the Court which made such decree or order, or where the application is not based upon any such decree or order, to such civil Court as the Chief Commissioner may from time to time appoint in this behalf, to eject his tenant from such holding.

31. The Court to which an application is made under section thirty shall, subject to the provisions hereinafter contained, eject such tenant: B. 34.

Procedure thereon.

Provided that, when an application is made to a Court to make an ejectment on a date after the fifteenth day of June and before the fifteenth day of April in any agricultural year, such Court, if it finds that the tenant has not sub-let and that the holding has been cultivated in accordance with local usage, may, instead of directing that the ejectment be at once proceeded with, order it to be postponed to a date after the fifteenth day of April in such year. Compare Act XXVIII of 1868, sec. 21, and Act XIX of 1868, ss. 38 & 39.

32. When a tenant is ejected from his holding, he shall, in the absence of any custom or special agreement to the contrary, be entitled— B. 35: Compare Act XVIII of 1873, s. 42.

Rights of tenant in respect of crops and land prepared for sowing.

(*a*) at the option of the landlord, either to retain possession of any land comprised in such holding which he has sown previous to the time of ejectment and to use such land for the purpose of tending and gathering in the crops sown, or to receive from the landlord the estimated value of the labour and capital expended by him in preparing and sowing such land and tending such crops; and

(*b*) to receive from the landlord the estimated value of the labour and capital expended by him in preparing for sowing any land comprised in such holding but not sown:

Compare Act XXVIII of 1868, sec. 27. Provided that no tenant shall be entitled to retain possession of any land or receive compensation in respect thereof under this section when he has cultivated or prepared such land contrary to local usage, or to retain possession of any land or receive any compensation in respect of any cultivation or preparation which his landlord, being in a position to make an application under section thirty, has by a notice in writing forbidden him to undertake.

B. 36. **33.** When a landlord elects, under clause (*a*) of section thirty-two, to allow a tenant to retain possession of any land for the purpose specified in that section, such tenant shall pay to such landlord, for the use and occupation of such land during the period for which he is allowed to retain possession of the same, such portion of the yearly rent of the holding as the Court may deem reasonable.

Payment by tenant for occupation of land under section 32.

B. 37. **34.** A Court ejecting a tenant under section thirty shall inquire into and determine all claims under this Act by the landlord against such tenant; or by such tenant against the landlord and the decision of such Court upon any such claim shall be final and conclusive.

Account to be taken generally between landlord and tenant.

B. 38. **35.** When it appears to a Court making an ejectment that the amount payable by the landlord as such to the tenant exceeds the amount payable by the tenant as such to the landlord, it shall, unless the landlord and tenant come to an arrangement regarding the payment of such excess sum, fix a time within which it must be paid into Court.

Procedure when, on ejectment, money has to be paid by the landlord to the tenant.

If such sum is so paid within the time fixed, the Court shall eject the tenant;

and, if such sum is not so paid within such time, shall dismiss the application for ejectment;

but nothing herein contained shall prevent a landlord from making a fresh application for ejectment.

B. 39. **36.** When a tenant against whom a suit for arrears has been instituted transfers his holding or any part thereof, and a decree is passed against such tenant in such suit, any order made in execution of such decree under section twenty-nine may be executed either against such tenant or against such transferee as if he were the original tenant.

Transfer of holding while suit for arrears is pending.

B. 40. **37.** If, during the course of proceedings to eject in execution of an order made under section twenty-nine the amount of the decree for arrears and the cost of execution of such decree are realized, the proceedings shall be stayed.

When proceedings to eject to be stayed.

B. 41. **38.** Any tenant who has been ejected in contravention of section twenty-seven may, within one year from the date of his ejectment, sue in a Civil Court for reinstatement, or for compensation, or for both; and such Court shall, if it finds that the ejectment was illegal, reinstate the tenant, or, in case he has applied for compensation, ascertain the amount of actual damage which he has sustained by the ejectment and award to him such amount, together with such further sum, not exceeding two hundred rupees, as it thinks reasonable compensation for the trouble and annoyance caused to him by the ejectment.

Remedy of tenant illegally ejected.

If within the said period of one year the tenant does not sue under this section, his interest (if any) in the land and his right (if any) to compensation shall cease.

(*F*).—*Of Improvements and Compensation therefor.*

39. In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown, that, save as provided in section ninety-five, landlords have a preferential right to construct tanks, pakka wells and permanent buildings on the holdings of their tenants. B. 42.

Preferential right to improve.

The Chief Commissioner may from time to time by rule prescribe the manner in which tenants desiring to make improvements shall give notice thereof to landlords, who have a preferential right to make them, and may fix the time to be allowed for the exercise of such right.

40. If any tenant, or any person from whom he has derived his tenancy by inheritance or transfer, has made improvements in his holding, such tenant shall be entitled to be compensated for such improvements when he is ejected and shall not be ejected by order of any Court until such compensation has been made or provided for to the satisfaction of the Court: B. 43: Compare Act XXVIII of 1868, sec. 37; Act XIX of 1868, sec. 22; Act XIX of 1875, sec. 54; Irish Act, secs. 3, 4, 15, 21 and 70.

Compensation for improvements payable to tenants on ejectment.

Provided that no compensation shall be claimable under this section in respect of an improvement in any of the following cases, namely:—

(*a*) when the tenant is a tenant of sír-land and the improvement has been made in such land without obtaining the express consent of his landlord thereto;

(*b*) when the landlord had a preferential right to make such improvement and the tenant has made it without giving such notice and allowing such time as is prescribed under section thirty-nine, or, when no such notice or time is prescribed, without giving due notice and allowing reasonable time to his landlord to make it;

(*c*) when the tenant, having contracted not to make such improvement without giving the landlord reasonable notice to make it, has made it without giving such notice;

(*d*) when the tenant has made the improvement in pursuance of a contract or under a lease binding him to make such improvement without compensation.

Improvements made by a tenant, before the passing of this Act, in lands other than sír-land shall be deemed to have been made after notice to, and with the permission of, his landlord, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself, or that the tenant contracted in writing not to make such improvement.

41. In estimating the compensation to be made for an improvement under section forty, the Court shall have regard— B. 44: No. 4, p. 19.

Principle on which compensation to be assessed.

(*a*) to the labour and capital expended by the tenant in such improvement; and

(*b*) to the amount by which the letting value of the holding or its produce or the value thereof is likely to be increased by such improvement:

Provided that in no case shall the compensation for any improvement exceed the amount for which it could have been made by the landlord, or the amount by which it has increased the selling value of the holding:

Provided also that if a landlord has, in consideration of an improvement, allowed a tenant to hold at a rent lower than the rent which would have been payable if such improvement had not been made, the amount of rent thus remitted shall be deemed to have been a payment by the landlord made towards the cost of the improvement.

Explanation.—In this section, the words "letting value" mean the value of the holding if let at a rack-rent.

B. 46. **42.** Compensation for improvements may be made in money to be paid by such instalments as the Court thinks fit, unless both landlord and tenant agree that it should be made in any other manner, in which case it shall be made accordingly.

Shape in which compensation may be given.

B. 47: No. 3, pp. 6-10: No. 4, p. 12: Cf. Irish Act, s. 4. **43.** Every contract made after the passing of this Act whereby a tenant agrees not to make improvements, or to be ejected if he makes improvements, or to forego any claim to compensation under this Act for improvements which he makes otherwise than in fulfilment of a contract or under a lease binding him to make them, shall, so far as regards such agreement, be void.

Agreements not to make improvements, &c., void.

B. 48: No. 3, pp. 6-10. **44.** All entries in the Record-of-rights of any village providing—

Certain entries in Records-of-rights to be void.

(*a*) that landlords shall be entitled to prevent tenants from making improvements or to eject them for making improvements, or to demand increased rent from them in respect of any improvements which they have made, or

(*b*) that tenants ejected from any lands shall not be entitled to compensation for improvements in cases in which they would, under this Act, be entitled to such compensation,

shall be void.

No. 3, pp. 3 & 4. (*G*).—*Case of several Persons Landlords of the same Land.*

B. 50. **45.** When persons who are jointly entitled to be deemed the landlords of any tenant in matters connected with the granting of leases, ejectment, or the enhancement, abatement or recovery of rent, appoint any person to act on their behalf in any such matter or revoke such appointment, they shall notify such appointment or revocation for the information of their tenants in such manner as the Chief Commissioner may from time to time prescribe by rules in this behalf.

Appointment of person to act on behalf of several landlords.

Any such appointment or revocation not so notified shall be null and void as against the tenant.

No. 4, p. 14. **46.** Any person whose appointment has been so notified shall be deemed to be, for the purposes of this Act, and so far as his appointment may extend, the sole landlord of the tenants to whom his appointment has been notified, and shall alone be entitled to give receipts for rents, to grant leases, or enter into agreements with tenants, as the case may be, on behalf of the persons appointing him.

Person appointed under section 45 deemed sole landlord.

B. 51.

47. When two or more persons are the joint landlords of any tenant in matters connected with the recovery of rents, such tenant, subject to any rule which the Chief Commissioner may make in this behalf, shall not be compelled to pay part of the rent of his holding to one of such persons and part to another or others; and such persons shall be bound, if the tenant so desires, to appoint one of their number, or some other person, in manner provided by section forty-five, to receive the rent of such holding. B. 52.

Rents in which two or more persons are interested as landlords.

(*H*).—*Miscellaneous Provisions.*

48. In all suits and proceedings between landlords and tenants, it shall be presumed, until the contrary is shown,— B. 53: No. 4, p. 14.

Presumptions in suits and proceedings between landlords and tenants.

(*a*) that a tenant who does not possess a right of occupancy or hold under an unexpired lease is an ordinary tenant within the meaning of this Act;

(*b*) that, except as by this Act provided, a tenant has no power to transfer or mortgage his holding without the consent of his landlord.

49. When any tenant having a right to sub-let sub-lets his holding or any portion thereof and is subsequently ejected by, or surrenders his holding to, his landlord, the sub-lessee shall be deemed to become the tenant of such landlord under the sub-lease; but such landlord shall be entitled to apply at any time under section thirty to a Civil Court to eject him. B. 54: No. 4, p. 14.

Relation between landlord and sub-lessee of tenant ejected or surrendering.

50. When land is held otherwise than under a written lease or agreement, either the landlord or the tenant may apply to a Revenue-officer to have the terms on which it is held reduced to writing. B. 57: No. 3, p. 12: Compare Act X of 1859, ss. 2, 9, 80 & 81: Act XVIII of 1873, ss. 24 & 28: and Act XIX of 1868, s. 7.

Landlord or tenant may require that terms of tenancy be reduced to writing.

51. On receiving an application for the reduction to writing of the terms of any tenancy in accordance with section fifty the Revenue-officer shall ascertain the matters, if any, on which the parties are at issue, and shall then— B. 58.

Procedure on application under section 50.

(*a*) if it appears that there are no such matters in dispute, or that they have been already decided by a Court of competent jurisdiction in the applicant's favour, make the order applied for; or

(*b*) if the matters in dispute are such as a Revenue-officer is competent to determine, determine such matters, and make such order thereon as he thinks fit; or

(*c*) refer the parties to the Civil Court.

52. If a landlord or tenant refuses or neglects to execute any instrument which he may be directed to execute under section fifty-one, the Officer may himself execute such instrument; and the instrument so executed shall be of the same force and effect as if it had been executed by the person who refused or neglected to execute it. B. 59.

If order to execute any instrument is neglected, Revenue-officer may execute it.

B. 60: Compare Irish Act, s. 6: Oudh, s. 27: Act X, sec. 24. **53.** If any landlord or tenant desires that the extent of any holding should be ascertained, or that evidence relating to any improvement made in respect thereof by either of them, or to the state of such holding at any specified time, should be recorded, he may apply to a Revenue-officer, and such Officer shall thereupon make, or cause to be made, such enquiry as he thinks fit, with a view to ascertain or record the matters the ascertainment or record of which is desired by the applicant: Provided that—

Applications to measure or ascertain condition of holdings.

no action shall be taken by any Revenue-officer under this section if it appears that the application is unnecessary or is made vexatiously, or that the matter the ascertainment of which is desired is being enquired into by any Civil Court.

Nothing in this section shall be deemed to affect the right of a landlord to enter on any holding for the purpose of measuring or examining the same.

When any matter has been ascertained and recorded under this section, both landlord and tenant, and all persons claiming under either of them, shall, in all subsequent proceedings before any Revenue-officer, or in any Civil Court, be bound by such record.

B. 8: No. 4, pp. 3 & 4. **54.** If any landlord grants a lease or enters into any other contract fixing the rent of any holding, and while such lease or contract is in force,—

Leases may be avoided when assessment is changed.

(*a*) land-revenue is for the first time made payable in respect of the holding;

(*b*) land-revenue having previously been payable in respect of it, the revenue payable when the lease or other contract was executed is increased,

such lease or other contract shall be voidable at the option of the landlord, unless the tenant agrees to pay such rent as a Settlement-officer or Revenue-officer may on the application of the landlord determine to be fair and reasonable.

Where land-revenue having been payable in respect of the holding at the time when the lease or other contract was executed, the amount of such revenue is reduced, such lease or other contract shall, if the Chief Commissioner by any general or special order so directs, be voidable at the option of the tenant, unless the landlord agrees to accept such rent as a Settlement-officer or Revenue-officer may on the application of the tenant determine to be fair and reasonable.

CHAPTER III.

OF ORDINARY TENANTS.

(*A*).—*Preliminary.*

B. 61. **55.** In all suits and proceedings between landlords and ordinary tenants, it shall be presumed, unless the contrary is shown, or unless there is an entry in the Record-of-rights to the contrary, that the rights and liabilities described in this chapter are incident to the tenure.

Presumption as to ordinary tenancies.

(*B*).—*Of Ejectment.*

B. 62: No. 2, p. 33. **56.** Any landlord who desires to eject an ordinary tenant at the close of any agricultural year may, before the first day of December in such year, apply to a Civil Court to serve such tenant with a notice of ejectment; and such Court shall serve such notice.

Notice of ejectment.

57. If any tenant upon whom a notice has been served under section fifty-six disputes the right of his landlord to eject him, he may, within one month from the date on which such notice is so served, institute a suit to contest such right. B. 63.

Procedure when right to eject is disputed.

58. Any ordinary tenant upon whom such a notice has been served, and who, not being a tenant of sír-land, or a sub-lessee, has, at the time when it is proposed to eject him, continuously for five years cultivated land in the village in which the land from which it is proposed to eject him is situated, and is, when such village is inhabited, resident therein, and has not, either in the agricultural year in which it is proposed to eject him, or in either of the two agricultural years next preceding, received from his landlord any assistance in his cultivation, may, within the said period of one month, apply to the Court by which such notice was served for an order of protection from ejectment; and such Court shall grant such order, unless the landlord satisfies it that hardship would be caused thereby. B. 64: No. 2, pp. 33 & 34.

When protection-order may be granted.

Explanation.—Loss caused to the landlord by not obtaining a higher rent is not hardship within the meaning of this section.

59. If, within the said period of one month, no suit is instituted under section fifty-seven, and no application is made under section fifty-eight, or if, on such a suit being instituted or application made, it is rejected, the Court may record a proceeding declaring that the landlord is entitled to eject the tenant. B. 65.

Declaration of right to eject when to be made.

60. Any landlord in whose favour a declaration has been recorded under section fifty-nine may eject the tenant— B. 66.

Time for ejectment on declaration under section 59.

(*a*) when such declaration has been recorded before the seventeenth day of May in the agricultural year in which the application under section fifty-six was made—at any time during the said month of May;

(*b*) when such declaration has not been recorded before the said seventeenth day of May—at any time within fifteen days from the date of such declaration:

Provided that any such landlord, instead of ejecting such tenant himself, may, within the period prescribed by this section, apply under section thirty to a Civil Court to eject such tenant.

61. Any ordinary tenant in respect of whom a declaration has been made under section fifty-nine and who, if ejected, would have a claim to retain any land or receive any compensation under section thirty-two, may, if he has reason to believe that his landlord is about to eject him without the assistance of a Court, apply to such Court as the Chief Commissioner may from time to time appoint in this behalf to make an order prohibiting the landlord from so ejecting him; and it shall be in the discretion of the Court to make such order. B. 67.

Tenant may apply for order prohibiting ejectment.

B. 68. **62.** Any such tenant who has been ejected by a landlord without the assistance of a Court may, within the period of one month after such ejectment, apply to a Court appointed under section sixty-one—

Remedy of tenant ejected by landlord.

(*a*) to be put in possession of any land or to be awarded any compensation to which, under section thirty-two, he is entitled; and

(*b*) to compel the landlord to pay him any net sum to which if he had been ejected by the Court he would have been declared entitled under section thirty-five.

B. 69. **63.** On receiving such application, the Court shall proceed to determine the matters set forth therein, and may put the tenant into possession of any land to which he is entitled, and if any net sum as aforesaid, to which the Court finds the tenant to be entitled, is not paid by the landlord within such period as it fixes, may in its discretion reinstate the tenant in the land from which he has been ejected.

Procedure in such cases.

B. 70. **64.** A tenant to whom an order of protection is granted under section fifty-eight in one agricultural year may be ejected in a subsequent agricultural year if he ceases to reside in the village or receives assistance from his landlord in the cultivation of his holding.

Protected tenant may be ejected in subsequent year.

B. 71. **65.** All entries in the Record-of-rights of any village providing that any notice other than that herein prescribed shall be given by a landlord before ejecting an ordinary tenant shall be void.

Certain entries in Record-of-rights declared void.

(*C*).—*Of the Rent payable by Ordinary Tenants.*

B. 72. **66.** The rent payable in any year of his tenancy by an ordinary tenant, not being a tenant who has obtained an order of protection under section fifty-eight, shall be,—

Rent payable by ordinary tenants.

(*a*) when such year is the first year of his tenancy, the rent which he agreed with his landlord to pay; or in the absence of any agreement, such rent as a Revenue-officer may, on application made to him, determine to be a fair rent;

Compare Act XIX of 1868, ss. 35 & 36.

(*b*) when such year is not the first year of his tenancy, the rent which was payable in the preceding year, unless a different rent has been agreed upon, in which case the rent so agreed upon shall be payable.

In fixing a fair rent under clause (*a*) of this section, the Revenue-officer shall have regard to the rates paid by ordinary tenants occupying lands of similar quality and with similar advantages in the neighbourhood, and to any expectations which the landlord may have held out to the tenant of occupying at rates lower than such rates.

The fact that in any year any sum was paid as rent shall, unless such payment was extorted or made through fraud or by mistake, be held to prove that the tenant agreed to pay a rent not less than such sum.

B. 5. **67.** When the area of a holding of an ordinary tenant is diminished, by diluvion or otherwise, during any year of tenancy, a Revenue-officer may, on application made to him, determine the rent payable for the holding for such year.

Diminution of area of holding.

B. 73. **68.** When a Court grants a tenant an order of protection under section fifty-eight it shall either fix his rent at the amount which he is paying at the time when he obtains such order, or fix a fair rent in manner prescribed by section sixty-six whichever may be greater.

Rents payable by protected tenants.

Rent which has been fixed under this section is liable to be refixed on the application of either the landlord or the tenant in any subsequent year.

B. 74: No. 3, p. 13. **69.** Except as provided in this Act, no Court shall determine the rent proper to be paid by an ordinary tenant.

No Court to determine rent payable by ordinary tenants except under Act.

70. An ordinary tenant shall not, in the absence of a written contract empowering him to do so, be entitled to sub-let his holding or any part thereof.

Sub-letting.

CHAPTER IV.

OF TENANTS FOR A FIXED TERM.

B. 75. **71.** A tenant for a fixed term shall on and after the first day of May next preceding the end of such term, be deemed to be, in matters relating to ejectment and reinstatement, an ordinary tenant:

Ejectment on expiry of term.

Provided that, if it be expressly stipulated in his lease that he shall quit his holding at the expiration of such term, the notice specified in section fifty-six shall not be required; and such tenant may, on the expiration of such term, be ejected by his landlord with or without the assistance of a Civil Court as if a declaration in respect of him had been made under section fifty-nine.

72. A tenant for a fixed term may, in the absence of any written agreement to the contrary, sub-let his holding or any part thereof.

Sub-letting.

CHAPTER V.

OF TENANTS WITH A RIGHT OF OCCUPANCY.

(*A*).—*Of the Acquisition of the Right of Occupancy.*

B. 76: No. 3, p. 15. **73.** Any owner of sír-land shall be deemed to become an occupancy-tenant of such land in the following cases, *viz.*:—

Ex-proprietors of sír-land.

(*a*) when he sells such land without expressly agreeing to transfer his right to cultivate it;

(*b*) when his interest in such land is sold for arrears of land-revenue; or

(*c*) when his interest in such land is sold in execution of any decree which does not declare his right to cultivate such land to have been expressly hypothecated to the judgment-debtor.

74. Any person recorded as an absolute occupancy raiyat or as a tenant with rights of occupancy of any land, or in terms equivalent thereto, in any record-of-rights of such land made before the passing of this Act, shall be deemed to have acquired a right of occupancy in the land in respect of which he may have been so recorded.

Persons recorded as occupancy-tenants.

B. 77: Compare Act XVIII of 1873, s. 8: No. 1, p. 16: No. 2, pp. 31 & 32: No. 3, p. 16: No. 2, p. 31: **75.** Every tenant who has held the same land continuously for twelve years shall be deemed to have acquired a right of occupancy therein: Provided that such land is not (1) held under a written lease in which it is stipulated that a right of occupancy shall not be acquired, or that the tenant shall quit the land at its termination; or (2) held in lieu of wages; or (3) sír-land.

Twelve years' rule.

Explanation I.—Land sub-let is not "held" either by the sub-lessee or his lessor within the meaning of this section.

Explanation II.—The occupation of the person from whom a tenant has inherited his holding, or, when the holding has been acquired by the tenant otherwise than by inheritance and the landlord was, or, had this Act been in force, would have been, bound to recognize such acquisition, the occupation of the person from whom it has been so acquired shall, for the purposes of this section, be deemed to be the occupation of the tenant.

No. 1, p. 12: No. 2, p. 30: No. 3, pp. 19, 22: Act XXVIII of 1868, s. 7.

Explanation III.—When, by the custom of any village, the holdings of tenants are, or have been, liable to periodical redistribution, lands which a tenant may, in accordance with such custom, have from time to time received in exchange for lands previously held by him shall, for the purposes of this section, be deemed to be the same lands as the lands which he held prior to such exchange.

B. 78: No. 1, p. 12: No. 2, p. 30: No. 3, pp. 19-22: Act XXVIII of 1868, s. 7. **76.** A tenant having a right of occupancy in land situated in a village in which the holdings of tenants are by custom liable to periodical redistribution, and exchanging such land in accordance with such custom for other land situated in the same village, shall be deemed to have acquired a right of occupancy in the land so taken in exchange.

Case of lands re-distributed in accordance with village-custom.

B. 79: No. 1, p. 12: No. 2, p 30: No. 3, pp. 61 & 62: Act XXVIII of 1868, s. 7. **77.** If a tenant having a right of occupancy in any land ceases to hold such land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that he has accepted such other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of an agreement to the contrary, be deemed to have acquired a right of occupancy in the land which he so commences to hold.

Tenant changing land in other cases.

B. 80. **78.** In the districts of Chánda and Nimár every tenant shall be deemed to have a right of occupancy in respect of all land which he holds, except sír-land or land held by him under a sub-lease, or recorded as waste at the time of making the settlement for the time being in force, and taken up during the term of such settlement on a lease such as is mentioned in section seventy-five.

Tenants in Chánda and Nimár.

B. 81 **79.** In the district of Sambalpúr, every tenant shall be deemed to be an occupancy-tenant in respect of all the land which he holds, except sír-land or land held by him under a sub-lease; and no such tenant shall be ejected except under an order passed in the execution of a decree for arrears under section twenty-nine.

Tenants in Sambalpúr.

B. 82. **80.** Nothing in this Act shall be held to debar any tenant from claiming a right of occupancy expressly conferred by a contract.

Tenant not barred from claiming right of occupancy acquired by contract.

(*B*).—*Of Succession to and Transfer of the Right of Occupancy and of Sub-letting.*

B. 83: No. 3, p. 37. **81.** The right of a tenant having a right of occupancy shall descend as if it were land: Provided that, except in the districts of Chánda, Nimár and Sambalpúr, no collateral relative of a tenant other than an absolute occupancy-tenant shall be entitled to inherit such right unless at the death of such tenant he was a co-sharer in the holding.

Descent of occupancy-right.

B. 84. **82.** Every tenant having a right of occupancy may transfer or mortgage such right in his holding, or any undivided share thereof without his landlord's consent, to any person who has become by inheritance a co-sharer with him in such holding.

Right of transfer.

No. 3, pp. 31-36. Every absolute occupancy-tenant, and, in the districts of Chánda and Nimár, every tenant having a right of occupancy, may transfer or mortgage his rights in his holding, or any undivided share thereof, to any person to whom the right of occupancy would, under the provisions of section eighty-one, descend at the death of such tenant if such person were then living.

B. 85. **83.** No entry in the Record-of-rights shall be deemed to entitle occupancy-tenants of any class to transfer or mortgage their holdings otherwise than in accordance with the provisions of this chapter:

Effect of entries in Record-of-rights.

Provided that nothing in this section shall be deemed to invalidate any transfer or mortgage made before the passing of this Act by an absolute occupancy-tenant under any power recorded in a Record-of-rights.

B. 86: No. 3, pp. 19-31. **84.** Every tenant having a right of occupancy may sub-let his holding or any part thereof:

Right to sub-let.

Provided that in the districts of Chánda and Nimár tenants who were not in possession of their holdings at the time when rents were fixed at a settlement shall not, during the term of such settlement, be entitled to sub-let.

B. 87: No. 3, p. 31. **85.** No tenant having a right of occupancy shall be ejected from his holding on the ground that he has agreed to transfer or has sub-let the holding when he had no power to transfer or sub-let the same if it appears that he so agreed, or sub-let, believing in good faith that he had such power.

Occupancy-tenant agreeing to transfer or sub-let under belief of his power to do so.

(*C*).—*Of the Rent payable by Tenants with a Right of Occupancy.*

B. 88: No. 4, p. 10. **86.** The rent payable in any year by a tenant having a right of occupancy in respect of his holding shall be that which was payable in respect of such holding in the year next preceding, unless a different rent has been agreed upon in writing between the landlord and tenant, or such rent is changed under this Act.

Rent of occupancy-tenant changeable in two ways only.

B. 89. **87.** A tenant with a right of occupancy and paying rent in money, or his landlord, may apply to a Settlement-officer if a settlement is in progress, or if no settlement is in progress and the rent of the holding has not been fixed at the existing settlement by a Settlement-officer, or after such settlement and

Power to fix money rent where not fixed at or since settlement.

after the passing of this Act by a Revenue-officer, to a Revenue-officer, to fix such rent; and such officer shall, except as otherwise provided by agreement between such landlord and tenant, fix such rent having regard to the following, that is to say :—

No. 2, p. 37: Cf. Act XIX of 1873, s. 72.

(*a*) to the rent-rates assumed for the purpose of assessing the land-revenue on similar land, with similar advantages, in the same circle or tahsíl; and to the customary rates of rent payable by tenants of the same class for similar land, with similar advantages, in the same circle or tahsíl;

(*b*) to any claim which the tenant has to pay rent at less than ordinary rates on the ground that some of the advantages with regard to which the lands included in his holding are classed were the result of improvements made by him;

(*c*) to any circumstances, such as the status or caste of the tenants, which the Chief Commissioner may from time to time by rule direct to be taken into account in reduction of such rent; and

No. 1, pp. 8 & 16: No. 2, p. 32: No. 3, pp. 23 & 24.

(*d*) when the application is made during the currency of a settlement to any changes in the value of the produce of land which have occurred after the settlement, and which the Chief Commissioner may from time to time by rule direct to be taken into account for this purpose;

Provided that the rent demandable from a tenant shall not be reduced under this section, except by a Settlement-officer.

"Circle" in this section means two or more villages grouped together for assessment purposes by a Settlement-officer, or declared by the Chief Commissioner to constitute an assessment-circle.

B. 90.

Certain rents to be deemed to have been fixed under section 87.

88. (*a*) Rents recorded at any settlement made before the passing of this Act as payable by tenants in the Sambalpúr district;

(*b*) rents of absolute occupancy-tenants in any other district recorded at or after a settlement made before the passing of this Act; and

(*c*) rents fixed before the passing of this Act by a Settlement-officer,

shall be deemed to have been fixed in manner prescribed by section eighty-seven.

B. 91: No. 1, pp. 8 & 16: No. 3, pp. 24 to 28.

Enhancement of rent fixed under section 87.

89. When the rent of a tenant having a right of occupancy has been fixed at or since the last settlement in manner prescribed by section eighty-seven, the landlord may, except as otherwise provided by any contract between the parties, apply from time to time to a Revenue-officer to enhance such rent on one or more of the following grounds, and on no other, namely :—

(*a*) that the rent last fixed under this Act was fixed lower than it otherwise would have been, owing to circumstances some or all of which have ceased to exist, and that no corresponding adjustment of the rent has been made;

(*b*) that since the rent was last fixed under this Act the Chief Commissioner has made a rule of the nature specified in section eighty-seven, clause (*d*), and applicable to the holding;

(*c*) that since the rent was last fixed under this Act the productive power of the holding has been increased otherwise than by the tenant or at his expense;

(*d*) that the extent of the tenant's holding is larger than the area in respect of which his rent was last fixed under this Act.

B. 92: No. 3, pp. 24 to 28.

Abatement of such rent.

90. When the rent of a tenant having a right of occupancy has been fixed at or since the last settlement in manner prescribed by section eighty-seven, such tenant may, except as otherwise provided by any contract between the parties, apply from time to time to a Revenue-officer for an abatement of his rent on one or more of the following grounds, and on no other, namely :—

(*a*) that since the rent was last fixed under this Act the Chief Commissioner has made a rule of the nature specified in section eighty-seven, clause (*d*), and applicable to the holding, or

(*b*) that, since the rent was last fixed under this Act the productive power of the holding has decreased otherwise than by his act, or

(*c*) that the extent of his holding is less than the area in respect of which his rent was last fixed under this Act.

B. 94: No. 3, p. 37.

Rents of certain tenants not to be charged on certain grounds.

91. Notwithstanding anything hereinbefore contained, the rents of occupancy-tenants in the districts of Sambalpúr, Chánda and Nimár, or of absolute occupancy-tenants, shall not be changed on the ground that a rule of the nature specified in section eighty-seven, clause (*d*), has been made, or on the ground that the productive power of the holding has increased or diminished, when such increase or diminution has not been caused by, or at the expense of, the landlord.

B. 95.

Restriction on agreements by tenants in Sambalpúr.

92. Contracts by which tenants having a right of occupancy in the district of Sambalpúr agree to pay rents at rates higher than the average rate at which, at the time of making the settlement for the time being in force, the rents of other lands in the same village of similar quality and possessing similar advantages were fixed, shall be void; but nothing in this section shall affect any contract to pay a reasonably enhanced rent in consideration of an increase in the productive power of the land having been effected through the agency or at the expense of the landlord.

B. 96.

Power to make rules for determining rents.

93. The Chief Commissioner may from time to time make rules consistent with this Act for the guidance of Revenue and Settlement Officers in the determination of the rents of tenants having a right of occupancy, and declaring the principle on which reductions claimed by tenants under section eighty-seven, clause (*b*), may be allowed.

Settlement-officer may commute rents payable in kind.

94. In all cases in which a tenant with a right of occupancy has paid rent in kind, or on the estimated value of a portion of the crop, or by rates varying with the crop, or partly in one of such ways and partly in another or others, the landlord, or tenant, may apply while a settlement is in progress to a Settlement-officer, and during the term of a settlement to any officer specially empowered by the Chief Commissioner in this behalf, to commute such rent to a fixed money-rent; and, on the receipt of such application, such officer shall determine the rent to be paid in commutation, as if the rent previously

paid had been a money-rent and an application had been made to him to fix the same:

Act VIII of 1879, s. 9.

Provided that the Local Government may empower any such officer, when any such application made before him is opposed, to refuse, for reasons to be recorded by him in writing, to grant the same.

(*D*).—*Miscellaneous.*

B. 97.

Certain tenants declared to have preferential right to improve.

95. Every absolute occupancy-tenant and every tenant declared by section seventy-eight or section seventy-nine to have a right of occupancy shall be deemed to have, with respect to his landlord, a preferential right to make all improvements on his holding.

B. 99.

Presumption that provisions of chapter apply.

96. In all suits and proceedings between landlords and tenants having a right of occupancy, it shall be presumed, until the contrary is shown, or unless there is an entry in the Record-of-rights to the contrary, that the incidents of the tenure of every tenant who, at the passing of this Act, has, or may hereafter acquire, rights of occupancy, are those which are described in this chapter.

Quasi occupancy-tenants.

97. Any owner of sír-land who—

(*a*) gives a usufructuary mortgage of such land without expressly agreeing to transfer to the mortgagee his right to cultivate it; or

(*b*) is temporarily excluded from the proprietary possession of such land under the Central Provinces Land-revenue Act, 1880,

shall be entitled while such mortgage remains in force, or while he is so excluded from the proprietary possession, to retain the actual possession of the land, paying no more rent for the same than if he were an absolute occupancy-tenant.

CHAPTER VI.

JURISDICTION AND PROCEDURE.

B. 100: No. 3, p. 41.

Cognizance of certain applications.

98. The Revenue-officers shall have exclusive cognizance of the subject-matter of the following applications, namely :—

(1) applications to deposit rent (section 7);

(2) applications to divide, estimate or appraise a crop (section 13);

(3) applications to have the terms of a tenancy reduced to writing (section 50);

(4) applications to measure or ascertain the condition of a holding (section 53);

(5) applications to fix the rent of ordinary tenants (section 66);

(6) applications to fix the rent of the holding of an ordinary tenant which has been diminished by diluvion or otherwise (section 67);

(7) applications to fix or alter the rent of an occupancy-tenant (sections 87, 89 and 90);

(8) applications to commute rents (section 94);

and of such other matters as they are empowered to deal with under this Act; and, subject to the provisions herein contained, may grant such relief as the nature of the case requires:

Provided that nothing herein contained shall debar a Civil Court from exercising jurisdiction in regard to any of the following matters which may arise in any suit or proceeding instituted in such Court, namely :—

(*a*) measuring or ascertaining the condition of any holding, dividing, estimating or appraising any crop, or receiving any deposit;

(*b*) determining the rents payable by tenants when the yearly amount so payable has been fixed by a Revenue or Settlement-officer or by agreement between the parties.

Procedure on such applications.

99. In disposing of the matters referred to in section ninety-eight, the Revenue-officers shall, as nearly as may be, exercise the same powers and follow the same procedure as are exercised and followed by them under the Central Provinces Land-revenue Act, 1880.

From every order passed by a Revenue-officer in respect of any such matter, an appeal shall lie as if such order had been passed by such officer under the said Land-revenue Act.

B. 103: No. 3, pp. 41 to 45.

Jurisdiction of Civil Courts.

100. Subject to the provisions of section ninety-eight, the Civil Courts shall have jurisdiction in all matters arising between landlord and tenant: Provided that—

(*a*) no Judge of a Civil Court of first instance shall, unless he is also a Revenue-officer or a Settlement-officer, hear any suit between a landlord and a tenant as such; and

(*b*) the Chief Commissioner may, subject to the provisions of this Act, direct that all or any of such suits shall be tried before such Courts of such grades competent to try the same as he thinks fit and not otherwise.

B. 103 (*c*).

Certain suits may be entered in separate register.

101. The Chief Commissioner may direct that all or any of the following suits, namely,—

(*a*) suits for an arrear of rent;

(*b*) suits to eject a tenant or cancel a lease on account of a breach of the conditions of the tenancy or lease, whether compensation for such breach be also claimed or not;

(*c*) suits by tenants to recover rent wrongfully levied, or for penalties (section 9);

(*d*) suits by a tenant illegally ejected by his landlord for reinstatement or compensation (section 38);

(*e*) suits to contest the landlord's right to eject (section 57);

shall not be registered in the registers kept under the Code of Civil Procedure for the registration of civil suits, but in such other separate registers as he may prescribe.

B. 104: Act XVIII of 1873, s. 110.

Plaint in such suits.

102. In such suits the plaint shall, in addition to the matters mentioned in section 50 of the Code of Civil Procedure, specify the quantity of the land, and, when fields have been numbered in a Government survey, the number of each field comprised in the holding; and, in the case of suits for an arrear, the amount of the yearly rent and

the instalments according to which such rent is payable.

B. 106: Act XVIII of 1873, s. 143.

Allowance of pleaders' fees optional.

103. Pleaders' fees shall not be included as costs in such suits, unless the Court certifies that, for reasons to be recorded by it in writing, such fees ought to be allowed.

B. 107.

Recovery of penalties under section 9.

104. If, in any such suit, it appears that a tenant is entitled to recover any penalty from his landlord under section nine, the Court may include in its decree such penalty as it thinks fit within the limit specified in that section.

B. 108.

Changes made in Limitation Act as to period of appeals.

105. In the case of appeals from decrees or orders in such suits, the Central Provinces Courts' Act, 1865, section 15, shall be read as if, for the words "thirty days," "six weeks" and "ninety days," the words "fifteen days," "thirty days" and "sixty days" were respectively substituted.

An application for the re-admission of any such appeal dismissed for want of prosecution shall be made within fifteen days from the date of such dismissal.

B. 109: Act XIX of 1868, s. 20: Act XXVIII of 1868, s. 15.

When proceedings in suit for arrears may be stayed.

106. If, in a suit for an arrear of rent, it appears that the area of the holding has been diminished by diluvion before or during the period in respect of which such arrear is claimed,

the Court may stay proceedings in the suit and refer the parties to a Revenue-officer in order that the rent of the holding may be determined.

B. 110: Act XIX of 1868, s. 13.

Set-off.

107. In any such suit no set-off shall be allowed except such amount as may be due to the tenant under a decree or order against the landlord as such.

B. 111.

Interest on arrears.

108. In any such suit interest may be allowed up to judgment, at such rate not exceeding twelve per cent. per annum as the Court thinks fit.

B. 112: Act IX of 1868, s. 118.

No process of execution to issue on decree for arrears after lapse of three years from date thereof.

109. No process of execution shall be issued to recover any sum due under a decree in any such suit after the lapse of three years from the date on which under the decree such sum became payable.

B. 113: Cf. Act X of 1859, s. 13.

No appeal in certain arrear-cases.

110. When any such suit is decided, whether on appeal or otherwise, by a Civil Judge exercising powers not less than those of an Assistant Commissioner of the first class as defined in the Central Provinces Courts' Act, 1865, the decision shall be final, and shall not be subject to appeal unless—

(*a*) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or

(*b*) a question relating to a title to land, or to some interest in land, has been determined as between parties having conflicting claims thereto.

New.

Limitation of suits by tenants to recover possession.

111. The period of limitation for a suit instituted by a tenant to recover the possession of land from which he has been ejected by any person other than his landlord shall be one year from the date on which he is ejected.

In other respects the limitation of such suits shall be governed by the Indian Limitation Act, 1877.

SCHEDULE.

(*See section* 2.)

ENACTMENTS REPEALED.

Number of Act.	Short title.
Act X of 1859	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863	To amend Act X of 1859.
Act XXII of 1872	To explain and amend Act X of 1859.

STATEMENT OF OBJECTS AND REASONS.

The law at present governing the relations of landlords and tenants in the Central Provinces is Act X of 1859, an enactment which was originally framed with particular reference to the circumstances of Lower Bengal, and which has been found, in many respects, unsuitable to territories where proprietary right is of comparatively recent origin, and, indeed, in some districts is even now but imperfectly developed. Though the primary object of Act X of 1859 was to protect tenants who had been depressed, during a long course of years, by a powerful proprietary body, and though it certainly fulfilled its purpose in the Province for which it was enacted, the result of applying it to a country in which, until recently, the distinction between the cultivating and the revenue-paying classes was somewhat loosely marked, and where the position of the former was therefore exceptionally strong, has been absolutely to curtail their ancient privileges. Though this is the chief ground on which legislation is desirable, experience has shown that Act X of 1859 is inappropriate and inconvenient, both in its procedure and in some of its substantive provisions. To remedy this state of things the present Bill has been framed.

2. It will be observed (section 2, clause 1) that it applies only to land used for agricultural purposes, and to such land only when it is let to tenants of the class commonly known as raiyats. Many of its provisions, especially those of a protective nature, would obviously be unsuitable in cases where a village, or a considerable portion of a village, is leased to a thekadár or farmer who makes his own terms with the proprietor, and is quite well able to protect himself; but it will be a question for the Select Committee to which it is proposed to refer the Bill whether some portions of it might not with advantage be extended to cases of this description.

3. The provisions of the Bill are roughly divisible into two classes, namely, those of general application contained in Chapters II and VI, and those contained in Chapters III, IV and V, applying only to particular descriptions of tenants.

Beginning with the former class, and omitting all reference to such provisions as either speak for themselves or may be said to have become common forms in Upper India Tenancy Bills, section 10—which in effect provides that when the Government suspends or remits its revenue on any land in cases of drought, &c., the landlord may be required to suspend or remit his rent—may first be noticed.

4. This section is based on the similar provision of the North-Western Provinces Rent Bill at present before the Council, but with this important difference that, instead of requiring the Revenue-officer, on the revenue payable in respect of any tract being remitted or suspended, to go over all the holdings comprised in such tract and determine in the case of each whether any remission or suspension of rent should be allowed, it allows this question to stand over until an actual dispute regarding it arises between the parties; and then leaves it to be decided by the Court before which the landlord may claim his rent.

This deviation from the rule proposed for the North-Western Provinces appears advisable, because, owing to the comparative simplicity of landed tenures in the Central Provinces, suspensions or remissions of land-revenue may be granted without that minute field-to-field survey which is requisite in order to decide claims to suspension or remission of rent, and it is not desirable to throw upon the limited staff of officers available in these Provinces the labour of making such a survey merely for the purpose of settling such disputes as may arise on this point between landlords and tenants.

5. Section 11, which in effect prohibits leases at a rent smaller than the revenue payable on the land, is the complement of section 117 of the Central Provinces Land-revenue Bill, which invalidates revenue-free grants made by Málguzárs. The object of both is the same, *viz.*, to prevent improvident proprietors from depriving themselves of the means of meeting the Government demand upon their lands (see paragraph 12 of the Statement of Objects and Reasons of the Land-revenue Bill).

6. Passing over, for the moment, the special provisions relating to tenants in Chánda and Nimár contained in section 12, we come to sections 17 to 22, which treat of the landlord's lien upon the produce of his tenant's holding. This lien is intended to be a substitute for the present power of distraint, which, as a matter of fact, has scarcely ever been resorted to by the Central Provinces landlords, and which it is apprehended would, if commonly employed, lead to abuses. The provisions regarding it have been so framed as to enable a landlord, by the exercise of the most ordinary diligence, to obtain for each instalment of his rent a first charge upon all crops which may be on the land at the time it falls due or during the year following.

7. The effect of sections 27 to 38, relating to ejectment, taken with certain subsequent provisions of the Bill to which they refer, may be stated to be that, except (section 71) when there is a lease for a term with an express provision that the tenant shall quit at the end of such term, no tenant can be ejected from his holding by his landlord without an order of the Court; that as a rule in all contested cases the landlord will, after obtaining such order, not proceed to eject the tenant himself but apply to the Court to eject him; and that the Court will not eject the tenant until all claims on either side arising out of the tenancy have been adjusted.

8. Sections 39 to 44 relate to improvements and compensation therefor. They provide that, as a rule, the landlord shall be allowed the option of himself making any permanent improvement proposed by the tenant; but that, if he does not avail himself of the option thus allowed him, the tenant may make such improvement, and, having made it, shall be entitled to receive compensation in respect of it before being ejected. The rights thus conferred on the tenant cannot be affected by any contract or by any entry in a record-of-rights to the contrary.

9. Sections 45 to 47 are intended to relieve a tenant holding under a number of co-proprietors from the difficulties and perplexities in which he is now frequently involved owing to doubts as to the authority of individual co-proprietors. Section 47 provides that in such cases the co-proprietors shall be bound, if the tenant requires them to do so, to appoint one of their number, or some other person, to act on behalf of all of them and receive the entire rent of the holding.

10. Section 48 (*b*) enacts that, except as provided by the Bill, a tenant has no power to transfer or mortgage his holding without the consent of his landlord; and it may here be added that no such power is conferred by the Bill, except to a very limited extent in the case of the occupancy-tenants to be presently referred to.

11. Sections 50 to 52, which empower a Revenue-officer to cause the terms of a tenancy to be reduced to writing, at the instance of either party, when there appears to be no real dispute as to those terms, are intended to take the place to some extent of the ordinary provisions as to suits for pattás and kabúliyats.

12. Section 54, which provides for the readjustment of the rent fixed by a lease or contract whenever the holding falls under re-assessment, is in accordance with the general understanding that the rents of ordinary raiyats, though fixed by contract, are subject to revision at settlement.

13. With Chapter III of the Bill begin the provisions relating to certain particular classes of tenants.

These classes (putting aside for the moment certain tenants in the districts of Chánda, Nimár and Sambalpúr) are as follows, namely:—

(1) ordinary tenants (chapter III);

(2) tenants for a fixed term (chapter IV);

(3) tenants with a simple right of occupancy (chapter V);

(4) absolute occupancy-tenants (same chapter).

14. Taking these in their order, it will be seen from section 48 (*a*) and section 55 that it is to be presumed, until the contrary is shown, that a tenant who does not possess a right of occupancy, or hold under an unexpired lease, is "an ordinary tenant," and that the rights and liabilities described in Chapter III are incident to his tenure.

15. The position of the ordinary tenant, as shewn in Chapter III, bears a considerable resemblance to that of a tenant from year to year in England; and in the Bill, as originally framed by Mr. Jones, such tenants were designated "tenants from year to year"; but it has been thought safer to avoid the use of a technical term borrowed from a different system of law, and accordingly the term "ordinary tenant," which connotes nothing, has been substituted for it.

16. The most striking feature in the position of such a tenant, as defined by the Bill, is that he cannot be ejected without the order of the Court, and that when he resides in the village, has cultivated any land there for five years, and has not within the preceding three years received any assistance in his cultivation from his landlord, he may, when an order for his ejectment is applied for, claim to be protected from ejectment; and the Court will be bound to protect him, unless the landlord shows that some hardship beyond a mere loss of rent will be thereby caused to him.

The practical result of these provisions will be that every tenant who resides in a village and has cultivated any land there for five years continuously will, as a rule, at once acquire in any land he may begin to cultivate in such village an inchoate status of occupancy.

This portion of the Bill has been retained practically unaltered, as it has met with the provisional approval of the Secretary of State in Council; but it is obvious that, if only by reason of its novelty, it will require the most careful consideration by the Select Committee.

17. As an "ordinary tenant" is either removeable upon notice, or (if protected) is in a temporary state of transition, it is not worth while to enact any elaborate rules for the fixation of his rent; and accordingly the provisions on this point in Chapter III will be found to be brief and simple.

18. Chapter IV relating to tenants for a fixed term calls for but little notice. The position and rights of such tenants will usually be regulated, to a great extent, by the terms of the leases under which they hold, and the only peculiarity introduced by the Bill is that, when the lease does not contain a stipulation expressly requiring the holding to be vacated at the expiration of the term, the tenant will, in the last year of such term, be deemed to become an "ordinary tenant," and to be entitled to all the privileges in regard to ejectment and protection against ejectment which are conferred on such a tenant by Chapter III.

19. Proceeding now to Chapter V, which deals with tenants with a right of occupancy, it will be seen that the status of an occupancy-tenant, when not conferred by express contract (section 80), may, as a rule, be claimed on any one of three grounds, namely:—

1*st*, that the land was formerly the property of the tenant and held by him as sír, and that he parted with it or lost his ownership in it in one of the modes mentioned in section 73:

2*ndly*, that the tenant was recorded as an occupancy-tenant of the land in a settlement-record prepared before the passing of the Bill; or

3*rdly*, that he has for twelve years continuously held the land, otherwise than under a written lease expressly debarring him from acquiring the status.

20. As regards the acquisition of the right in the third of these modes, it should be stated that *actual* occupation throughout the whole period is required, the right not being acquired when the land is sub-let. On the other hand, it is provided by the third Explanation to section 75 and by section 76 that neither the acquisition of the right nor its retention shall be affected by the circumstance that the tenant has shifted from one holding to another in accordance with a village-custom such as has been found to prevail in Chhattísgarh; and by section 77 that, once the right has been acquired, it shall not be lost by the tenant's removal to another holding, if it appears that he has removed on the understanding that his status is to remain unchanged; but that in such a case he shall have the rights of an occupancy-tenant on his new holding. This last provision is in accordance with section 7 of the Panjáb Tenancy Act of 1868, and it is important as a check upon the practice of persuading ignorant tenants to change their holdings, to which landlords are said sometimes to resort with a view to destroying occupancy-rights.

21. In whichever of the above modes the occupancy-status may have been acquired, its incidents will (section 96) be presumed to be those described in chapter V. The principal of those incidents are as follows:—

1*st*, that (section 81) the right of an occupancy-tenant descends lineally as if it were land, but does not pass to a collateral unless he is a cosharer in the holding;

2*ndly*, that, while an occupancy-tenant is allowed (section 84) to sub-let, he cannot (section 82) transfer or mortgage his holding except to a cosharer; and

3*rdly*, that he is, in the absence of a contract fixing his rent, entitled to have his rent fixed according to certain rules laid down by the Bill.

22. These rules for the fixation of rent are contained in sections 86 *et seq.*, and are among the most important provisions of the Bill.

Their most striking feature will be found to be the distinction which they make between the process of fixing rent for the first time after a new settlement has been taken in hand (section 87), and the process of subsequently during the currency of that settlement enhancing or reducing it.

A new settlement is considered to reopen completely the question of the rents to be paid by occupancy-tenants, and, accordingly, at the first determination of these rents after the settlement has commenced, *all* data and *all* circumstances which can properly be allowed any influence on the question will be taken into consideration. The rent-rates "assumed" by the Settlement-officer for the purpose of assessing the land-revenue and which approximate to the true economic rent, will be looked to; as also will the customary rates of rent which, as a matter of fact, are paid by tenants of the same class. Nor will other circumstances, such as the caste of the tenants, which it is found practically impossible to disregard in such cases, be left out of account.

But once the rents have been fixed in this way they will, during the currency of the settlement, be liable to be enhanced or reduced only on certain definite grounds. These grounds are (omitting one which is of minor importance)—

1*st*, that the area of the holding has been altered;

2*ndly*, that its productive power has been altered; and

3*rdly*, if the Chief Commissioner makes a rule admitting this as a ground for altering rents, that the *value* of the produce has increased or diminished.

23. The power of admitting this last circumstance as a ground for changing rent is placed in the hands of the Chief Commissioner in order to save the Revenue-officers the necessity of undertaking in individual cases long and minute inquiries into the history of prices in the neighbourhood since the rent was last fixed. When, owing to any considerable rise or fall of prices in any locality, such an inquiry appears to be called for, it will, it is conceived, be more successfully made once for all under the orders of the Chief Commissioner.

24. The "absolute occupancy-tenants," so called because, when the subject of occupancy-rights was still under discussion in the Central Provinces, their right of occupancy was considered to be beyond dispute, are simply occupancy-tenants with certain additional privileges. The status can be claimed only on the ground of an entry made in a record-of-rights prior to the passing of the Bill, and accordingly the number of such tenants is strictly limited.

They differ from ordinary occupancy-tenants chiefly in the following particulars, *viz.*:—

1*st*, that their right of occupancy descends in all cases to collaterals as well as lineally (section 81);

2*ndly*, that their right to transfer and mortgage their holdings is (section 82) somewhat larger than that of ordinary occupancy-tenants;

3*rdly*, that their rents when once fixed by a Settlement or Revenue-officer are not (section 91) liable to be enhanced or reduced on certain grounds on which the rents of ordinary occupancy-tenants may be enhanced or reduced; and

4*thly*, that they have (section 95) a right to make improvements in their holdings without offering their landlords the option of making such improvements.

25. As regards the second of these points it should be explained that it has not been considered advisable, in the interest of these tenants, to reserve to them the full right to transfer their holdings which was stipulated for in their behalf at settlement, but which has been found in practice to tempt them to incur debt and place themselves at the mercy of their landlords.

26. In the foregoing account of the provisions of the Bill all mention of the exceptional privileges and protection provided for tenants in the districts of Chánda, Nimár and Sambalpúr has for convenience sake been omitted, and it is accordingly necessary to advert to the subject here.

The relations between the persons who have been recorded as proprietors and those who have been recorded as tenants in these three districts were found on examination to differ considerably from those ordinarily subsisting between landlords and tenants. The rights of the former were so limited and those of the latter so large that it was at one time a question whether a raiyatwári settlement would not, under the circumstances, be the most suitable.

When, therefore, it was eventually determined to make the settlement with the superior class of occupants as proprietors, it was found necessary to reserve for the inferior class rights considerably larger than those of ordinary tenants, and, in accordance with the arrangements then made, the Bill provides that (sections 78 and 79) tenants in these three districts shall as a rule be deemed to have a right of occupancy; that (section 79) a tenant in Sambalpúr shall not be ejected except under an order passed in execution of a decree for arrears; that (sections 81, 91, 95), as regards the descent of the occupancy-right, fixity of rent, and the right to improve, the occupancy-tenants in all three districts shall be on the same footing as absolute occupancy-tenants; and that (section 82) occupancy-tenants in Chánda and Nimár shall have the same powers of transfer as absolute occupancy-tenants. Lastly, in order to protect these tenants against attempts to break down the rights thus reserved to them, it has been thought well to introduce in sections 12 and 92 provisions which limit their power of contracting in regard to the amount of their rent.

27. It remains to speak of the Chapter (VI) relating to jurisdiction and procedure, and the only point calling for notice in it (besides the new rule of limitation laid down in section 111) is that it leaves all matters between landlord and tenant, except the fixation of rent, to be dealt with by the ordinary Civil Courts instead of establishing, as the North-Western Provinces Rent Act does, a special set of tribunals for their disposal. The reason for adopting this course may be very briefly stated. In the Central Provinces, the same officers as a rule discharge revenue and judicial functions, and there can never be any difficulty in arranging, as required by the proviso to section 100, that all suits between landlord and tenant shall be heard by judges who have had the necessary experience of revenue-administration. This being so, to establish a separate set of tribunals for the disposal of such suits would be merely to introduce a needless complication, and without any reason whatever to expose ourselves to all the conflicts of jurisdiction and other difficulties which have arisen in connection with the double system of tribunals elsewhere.

C. GRANT.

The 31*st July*, 1880.

D. FITZPATRICK,

Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 4, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd September, 1880, and was referred to a Select Committee:—

No. 15 of 1880.

THE PRESIDENCY SMALL CAUSE COURTS BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. [illegible] of Enactments.
[illegible] References in previous Acts.
3. Amendment of Acts.
4. "Small Cause Court" defined.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

5. Courts of Small Causes established.
6. Court to be deemed under the superintendence of the High Court.
7. Appointment, suspension and removal of Judges.
8. Rank and precedence of Judges.
9. Delegation of powers of Court to its members.
10. Chief Judge to distribute business of Court.
11. Procedure in case of difference of opinion.
12. Seal to be used.
13. Appointment of ministerial officers. Powers and duties of such officers.
14. Judge or other officer not to practise or trade.

CHAPTER III.

JURISDICTION IN RESPECT OF SUITS.

15. Local limits of jurisdiction of Court.
16. Suits in which Court has jurisdiction.
17. Suits in which Court has no jurisdiction.
18. Court may by consent try suits beyond pecuniary limits of jurisdiction.
19. Suits by and against officers of Court. Costs in suits in High Court for certain wrongs committed by officers of Small Cause Court.
20. Costs when plaintiff sues in High Court other cases cognizable by Small Cause Court.

CHAPTER IV.

PROCEDURE IN SUITS.

21. Portions of Civil Procedure Code extending to the Court.
22. No written statement except in cases of set-off.
23. Judgments and orders of Court final. Power to order new trial.
24. Execution of decree of Small Cause Court by other Courts. Procedure when decree transferred.

SECTIONS.

25. Discharge of arrested judgment-debtor on sufficient security.
26. Court may in certain cases suspend execution of decree.
27. Compensation payable by plaintiff to defendant in certain cases.

CHAPTER V.

JURISDICTION WITH REGARD TO THE RECOVERY OR POSSESSION OF IMMOVEABLE PROPERTY.

28. Summons against person occupying property without leave.
29. Service of the summons.
30. Order for possession.
31. Such order to justify bailiff entering on property and giving possession.
Bar to proceedings against Judge or officer for issuing, &c., order or summons.
32. Applicant if entitled to possession not to be deemed trespasser for any error in proceedings;
Occupant may sue for compensation.
33. Liability of applicant obtaining order when not entitled.
Application for order in such case an act of trespass.
34. Stay of proceedings on occupant giving security to bring a suit against the applicant.
35. Proceedings to be regulated by the Code of Civil Procedure.
Applications by paupers.
36. Recovery of possession no bar to suit to try title.

CHAPTER VI.

INSOLVENCY JURISDICTION.

37. Power to entertain certain applications under Chapter XX of Civil Procedure Code.
38. And certain other applications by non-trading debtors.
39. Official assignee under 11 & 12 Vic., c. 21, to be received in cases under this chapter.
40. Appeal to the High Court from orders under sections 351, 352, 353 and 357 of Code.
41. Bar of jurisdiction of High Court in cases falling under this chapter.

CHAPTER VII.

TESTAMENTARY AND INTESTATE JURISDICTION.

42. Local limits of jurisdiction of Court to be deemed a District and Court to be deemed a District Judge under Acts X of 1865 and XXI of 1870.
43. Application to be conclusive as to jurisdiction.
44. Procedure in cases under this chapter.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

45. Reference when compulsory.
46. Security to be furnished on such reference by party against whom contingent judgment given.
If no such security given, party to be deemed to have submitted to judgment.

SECTIONS.

CHAPTER IX.

FEES AND COSTS.

47. Institution-fee.
48. Fees for processes.
49. Repayment of half fees on settlement before hearing.
50. Fees and costs of poor persons.
51. Power to Local Government to vary fees.
52. Fees in respect of proceedings under chapters VI and VII.
53. Expense of employing legal practitioners.
54. Sections 3, 5 or 25 of Court Fees Act, 1870, saved.

CHAPTER X.

MISCONDUCT OF MINISTERIAL OFFICERS.

55. Power to fine officers.
56. Default of bailiff or other officer in execution of order or warrant.
57. Extortion or default of officers.
58. Court empowered to summon witnesses, &c.
59. Enforcement of order.

CHAPTER XI.

CONTEMPT OF COURT.

60. Procedure of the Court in certain cases of contempt.
61. Record in such cases.
62. Procedure where Court considers that the case should not be dealt with under section 60.
63. Discharge of offender on submission or apology.
64. Imprisonment or committal of person refusing to answer or produce document.
65. Appeal from orders under sections 60 and 64.

CHAPTER XII.

MISCELLANEOUS.

66. Questions arising in suits, &c., under Act to be decided according to law administered in High Court.
67. Persons by whom process may be served.
68. Registers and returns.
69. Court to furnish records, &c., called for by Local Government or High Court.
70. Holidays and vacations.
71. Certain persons exempt from arrest by Court.
72. No suit to lie upon decree of Court.
73. Place of imprisonment.
74. Tender in suit for anything done under Act.
75. Limitation of prosecutions.

SCHEDULE I.—ENACTMENTS REPEALED.

SCHEDULE II.—PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

SCHEDULE III.—PERSONS EXCLUDED FROM INSOLVENCY JURISDICTION OF COURT.

SCHEDULE IV.—FEES FOR SUMMONSES AND OTHER PROCESSES.

A Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1881"; and it shall come into force on the first day of July, 1881.

But nothing herein contained shall affect the provisions of the Army Discipline and Regulation Act, 1879, section 144.

Repeal of enactments.

2. On and from the day on which this Act comes into force the enactments specified in the first Schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted and appointments made under any of the said enactments shall, as far as may be, be deemed to have been respectively constituted and made under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the day on which this Act comes into force, shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

For references, see Act V of 1871, s. 14; Act XVIII of 1879, s. 3.

Amendment of Acts.

3. In Act No. XXIII of 1850 *(for securing the Land-Revenue of Calcutta)*, section 3, the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for the recovery of small debts referred to in the said Act," and "the said Commissioners", the words "the Judges of the Court of Small Causes at Calcutta" shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "Chapter XXXIX", the words and figures "and by the Presidency Small Cause Court Act, 1881" shall be inserted.

'Small Cause Court' defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

New. See 8 Bom. H. C. Rep. (O. C. J.) 59 & sec. 652 of Act X of 1877.

Court to be deemed under the superintendence of the High Court.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure.

Appointment, suspension and removal of Judges.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint so many persons as it thinks fit to be Judges of the Small Cause Court, of whom one at least shall be a Barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland. See Act XXVI of 1864, s. 12; Act IX of 1850, s. 8.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove, any Judge so appointed. Act IX of 1850, s. 10.

Rank and precedence of Judges.

8. The senior in appointment of the Judges who are Barristers or Advocates shall be called the Chief Judge, and shall be the first of the Judges in rank and precedence. See Act XXVI of 1864, s. 14.

The other Judges shall have rank and precedence according to the seniority of their appointment as such Judges: provided that a Judge permanently appointed shall be deemed senior to an officiating Judge. Act XVII of 1877, s. 6.

Delegation of powers of Court to its members.

9. Except as herein or by any other law for the time being in force otherwise provided, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act, or by any other law for the time being in force. Act XVII of 1877, s. 119. (Cf. Act IX of 1850, s. 23.)

Chief Judge to distribute business of Court.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof. Act [illegible] 1864, [illegible]

Procedure in case of difference of opinion.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the senior Judge so differing, shall have the casting voice. Act XI of 1865, s. 33.

Seal to be used.

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government. Act XVII of 1875, s. 10 (b). (Cf. Act IX of 1850, s. 24.)

Appointment of ministerial officers.

13. The Small Cause Court may, from time to time, appoint a chief clerk and, subject to the control of the Local Government, as many additional clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force. Act IX of 1850, ss. 13-15.

Powers and duties of such officers.

The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Small Cause Court (subject to the control of the High Court) may, from time to time, by rules to be made in this behalf, direct. Cf. Act IX of 1850, ss. 14-16. Act XVII of 1877, s. 23.

Act XVII of 1875, s. 70.

The Small Cause Court may suspend or remove any officer so appointed; but the removal of any officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Act IX of 1850, ss. 9 and 10.

Judge or other officer not to practise or trade.

14. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an Advocate, Attorney, Vakíl, or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Provided that nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian Legislature.

CHAPTER III.

JURISDICTION IN RESPECT OF SUITS.

Act IX of 1850, s. 5.

Local limits of jurisdiction of Court.

15. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Act IX of 1850, ss. 25 and 26. Cf. Act X of 1877, s. 11.

Suits in which Court has jurisdiction.

16. Subject to the exceptions in section seventeen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature:

19 & 20 Vic., c. 106, s. 24. Cf. 18.

Provided that the amount or value of the subject-matter does not exceed two thousand rupees:

Letters Patent of 1865, s. 12.

Provided also that the cause of action has arisen either wholly, or, in case the leave of the Small Cause Court has been first obtained, in part, within the local limits of its jurisdiction, or that the defendant, at the time of the commencement of the suit, dwells, or carries on business, or personally works for gain, within such limits.

Explanation.—When in any suit the sum claimed is, by an admitted set-off of any sum claimed by the defendant from the plaintiff, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Act IX of 1850, s. 25. See 5 Bom. H. C. Rep. (O. C. J.) 1.

Suits in which Court has no jurisdiction.

17. The Small Cause Court shall have no jurisdiction—

(*a*) in suits concerning the assessment or collection of the revenue;

(*b*) in suits against the Secretary of State for India in Council;

(*c*) in suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General, or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or Local Government;

(*d*) in suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court of any such Judge or judicial officer;

(*e*) in the suits specified in section sixteen, clauses (*a*) to (*d*) of the Code of Civil Procedure;

(*f*) in suits for the specific performance or the rescission of contracts relating to any right to or interest in immoveable property;

(*g*) in suits for an account of property and its due administration under the decree of the Court;

(*h*) in suits for damages for libel or slander, adultery or breach of promise of marriage;

(*i*) in suits for the restitution of conjugal rights;

(*j*) in suits to enforce a trust;

(*k*) in suits to obtain an injunction;

(*l*) in suits on any judgment of a High Court; 19 & 20 Vic., c. 108, s. 27.

(*m*) in suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Act XXVI of 1864, s. 3.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

18. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Act IX of 1850, s. 100.

Suits by and against officers of Court.

19. All suits to which an officer of the Small Cause Court is a party, except suits in respect of claims to property taken in execution of its process, or the proceeds or value thereof, may be brought in the High Court at the election of the plaintiff as if this Act had not been passed.

Act IX of 1850, s. 102.

Costs in suits in High Court for certain wrongs committed by officers of Small Cause Court.

If any suit cognizable by the Small Cause Court is instituted in the High Court in respect of any wrong committed by an officer of the Small Cause Court under colour of its process, and the plaintiff obtains no greater damages than the sum of two thousand rupees, no costs shall be allowed him unless the Judge who tries the case certifies in writing that the suit was a fit one to be instituted in the High Court.

Act IX of 1850, s. 101: Act XXVI of 1864, s. 9.

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

20. If any suit cognizable by the Small Cause Court other than the suits mentioned in section nineteen is instituted in the High Court, and if in such suit the plaintiff obtains a decree, in the case of a suit founded on contract for an amount or value of less than two thousand rupees, and in the case of any other suit for an amount or value of less than three hundred rupees,

no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client:

Proviso.

Provided that the foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court for any of the following reasons (that is to say):—

(*a*) because of the difficulty, novelty or general importance thereof, or of some erroneous course of decisions in like cases in the Small Cause Court; or

(*b*) because of there being any question to be determined in such suit, upon which question claims or demands exceeding in aggregate value or amount two thousand rupees are dependent; or

(*c*) because of the suit depending upon the title to immoveable property exceeding in value two thousand rupees.

CHAPTER IV.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

21. The chapters and sections of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend (so far as they are applicable) to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act.

No written statement except in cases of set-off. (Cf. Act XI of 1865, s. 20.)

22. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Judgments and orders of Court final. Power to order new trial.

23. Save as is hereinafter specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive between the parties; but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit, order a new trial to be held upon such terms as it thinks reasonable, and may in the meantime stay the proceedings:

Act IX of 1850, s. 53.

Provided that the applicant at the time of making the application pays into court the amount, if any, payable by him under such decree or order.

Execution of decree of Small Cause Court by other Courts.

24. If the judgment-debtor under any decree of the Small Cause Court has not within the local limits of its jurisdiction moveable property sufficient to satisfy the decree, the Court, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within whose general jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Act IX of 1850, s. 66.

Discharge of arrested judgment-debtor on sufficient security.

25. Whenever any judgment-debtor who has been arrested in execution of a decree of the Small Cause Court offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged.

Act IX of 1850, s. 71. (see I.L. R. 5 Calc., p. 294.)

Court may in certain cases suspend execution of decree.

26. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time for such time and upon such terms as it thinks fit, suspend the execution of such decree.

Act IX of 1850, s. 42.

Compensation payable by plaintiff to defendant in certain cases.

27. In any suit in which the defendant appears and does not admit the claim, and the suit is dismissed, the Small Cause Court may order the plaintiff to pay to the defendant by way of satisfaction for his trouble and attendance, such sum as it, in its discretion, thinks fit. Any such order may, in default of payment of the amount payable thereunder, be enforced by the defendant against the plaintiff as if the same were a decree of the Court.

CHAPTER V.

JURISDICTION WITH REGARD TO THE RECOVERY OR POSSESSION OF IMMOVEABLE PROPERTY.

Act IX of 1850, s. 91. 19 & 20 Vic., c. [illegible]

Summons against person occupying property without leave.

28. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims;

and such tenancy or permission has been determined or been withdrawn;

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Act IX of 1850, s. [illegible]

Service of the summons.

29. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Act IX of 1850, ss. 92, 93. 19 & 20 Vic., c. 108, s. [illegible]

Order for possession.

30. If the occupant does not appear at the time appointed, and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section thirty-one, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court may think fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Act IX of 1850, s. 93.

Such order to justify bailiff entering on property and giving possession.

31. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant: and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Act IX of 1850, s. 95.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

Act IX of 1850, s. 96.

Applicant, if entitled to possession, not to be deemed trespasser for any error in proceedings;

32. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity:

Occupant may sue for compensation.

Provided that, when no such damage is proved, the suit shall be dismissed; and that, in any case in which such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the same certifies that in his opinion full costs should be awarded to the plaintiff.

Act IX of 1850, s. 93.

Liability of applicant obtaining order when not entitled.

33. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Act IX of 1850, s. 97.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the issue of any such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Act IX of 1850, s. 97.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

34. Whenever on an application being made under this chapter the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court for compensation for trespass against the applicant, and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section thirty.

New.

Proceedings to be regulated by the Code of Civil Procedure.

35. In all proceedings under this chapter, the Small Cause Court shall, as far as may be, and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Applications by paupers.

Applications under this chapter may be made by paupers in accordance with the provisions of Chapter XXVI of the said Code, as if such applications were suits by paupers within the meaning of the said chapter.

Act IX of 1850, s. 98.

Recovery of possession no bar to suit to try title.

36. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

CHAPTER VI.

INSOLVENCY JURISDICTION.

Power to entertain certain applications under Chapter XX of Civil Procedure Code.

37. The Small Cause Court shall have power to entertain applications for declarations of insolvency under the provisions of Chapter XX of the Code of Civil Procedure in respect of all judgment-debtors who reside, or are in custody, within the local limits of its jurisdiction and do not carry on any trade or business comprised in the third schedule hereto annexed.

And certain other applications by non-trading debtors.

38. In addition to the cases specified in section thirty-seven, any person who is in insolvent circumstances and who resides within the local limits of the jurisdiction of the Small Cause Court and does not carry on any trade or business comprised in the said schedule may apply to the Court to be declared insolvent.

All the provisions of the said chapter relating to applications by judgment-debtors shall apply, so far as the same may be applicable, *mutatis mutandis*, to applications by such persons.

Official assignee under 11 & 12 Vic., c. 21, to be Receiver in cases under this chapter.

39. The person for the time being appointed under the 11th & 12th of Victoria, Chapter twenty-one, section fourteen, to be the official assignee under the said statute, shall in all cases over which jurisdiction is conferred on the Small Cause Court by this chapter be the Receiver for the purposes of chapter XX of the Code of Civil Procedure, and may retain as a remuneration for the performance of his duties as such Receiver the commission which may be allowed to a Receiver under that chapter.

New.

Appeal to the High Court from orders under sections 351, 352, 353 and 357 of Code.

40. An appeal shall lie to the High Court from all orders of the Small Cause Court passed under sections 351, 352, 353 or 357 of the same Code in exercise of the jurisdiction conferred by this chapter.

The procedure prescribed by section 590 of the same Code for appeals from orders shall, so far as may be, apply to such appeals.

Bar of jurisdiction of High Court in cases falling under this chapter.

41. Notwithstanding anything to the contrary contained in the 11th & 12th of Victoria, Chapter twenty-one, the High Court shall not entertain any application for a declaration of insolvency in cases in which such application might be made under this Act.

But the High Court may in its discretion, on the application of any person concerned, direct that in any case under this chapter which but for this Act would have been cognizable by it under the said Statute, the proceedings in the Small Cause Court shall be closed; and thereupon any person entitled to present a petition under the said Statute may present the same as if this Act had not been passed.

CHAPTER VII.

TESTAMENTARY AND INTESTATE JURISDICTION.

Local limits of jurisdiction of Court to be deemed a District and Court to be deemed a District Judge under Acts X of 1865 and XXI of 1870.

42. The local limits of the jurisdiction of the Small Cause Court shall be deemed a District, and the Court shall be deemed a District Judge, within the meaning of the Indian Succession Act, 1865, and the Hindú Wills Act, 1870, for the purpose of granting probate and letters of administration in cases in which the assets of the deceased person, exclusive of trust-property, but without deducting debts owing by him, are less than one thousand rupees.

Every application for probate or letters of administration under this section shall state the amount of the said assets to the best of the applicant's knowledge or belief.

20 & 21 Vic., c. 77, s. 57.

Application to be conclusive as to jurisdiction.

43. The application for probate or letters of administration if made and verified in manner mentioned in the Indian Succession Act, 1865, shall be conclusive for the purpose of authorizing the grant of probate or letters of administration; and no such grant shall be impeached by reason that the assets of the deceased person, exclusive of trust-property, but without deducting debts owing by the deceased, did in fact exceed one thousand rupees, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Procedure in cases under this chapter.

44. The procedure of the Small Cause Court under this chapter shall be, as far as may be practicable, in accordance with the procedure prescribed for the District Judge by the said Acts respectively.

Every order made by the Small Cause Court under this chapter shall have the same effect and be subject to the like appeal as an order made by the District Judge under the said Acts respectively.

And all the provisions of the said Acts respectively relating to the grant and revoking of probate or letters of administration shall, *mutatis mutandis*, apply to the grant and revoking of probate or letters of administration under this chapter.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

Reference when compulsory.

Act XI of 1865, s. 32.

45. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under chapter V of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits,

Act XXVI of 1864, s. 7.

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires,

(Ordinary references provided for by Ch. XLVI, C. P. Code.)

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion.

Act XXVI of 1864, s. 8.

Security to be furnished on such reference by party against whom contingent judgment given.

Act XXVI of 1864, s. 8. See 14 B. L. R., p. 182.

46. When judgment is given under section forty-five contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment:

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into court, and the same has been paid accordingly.

Act IX of 1850, ss. 19 & 20: Act XXVI of 1864, s. 11.

If no such security given, party to be deemed to have submitted to judgment.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same.

CHAPTER IX.

FEES AND COSTS.

Institution-fee.

47. A fee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees, the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees, the sum of one anna in the rupee on such amount or value,

shall be paid on the institution of every suit or every proceeding under chapter V of this Act; and no plaint or application shall be received in any such suit or proceeding until such fee has been paid.

Act IX of 1850, ss. 19 & 20: Act XXVI of 1864, s. 11.

Fees for processes.

48. The fees specified in the third and fourth columns of the fourth Schedule hereto annexed shall be paid previous to the issue in any such suit or proceeding of the processes to which the said columns respectively relate by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in

the first column, but does not exceed the sum specified in the second column of the said Schedule.

Act IX of 1850, s. 20.

Repayment of half fees on settlement before hearing.

49. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Act IX of 1850, s. 20.

Fees and costs of poor persons.

50. The Small Cause Court may, whenever it thinks fit, receive and register applications under chapter V of this Act presented by poor persons without payment of the fee mentioned in section forty-seven, or on a part-payment of such fee.

Act IX of 1850, s. 21.

Power to Local Government to vary fees.

51. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under section forty-seven or section forty-eight:

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

Fees in respect of proceedings under chapters VI and VII.

52. The fees chargeable under the Court Fees Act, 1870, in a District Court in respect of proceedings under chapter XX of the Code of Civil Procedure shall be levied in respect of all proceedings in the Small Cause Court under chapter VI of this Act, and the fees so chargeable in respect of proceedings relating to the grant of probate or letters of administration under the Indian Succession Act, 1865, or the Hindú Wills Act, 1870, shall be levied in respect of all proceedings in the Small Cause Court under chapter VII of this Act.

Act XXVI of 1864, s. 13.

Expense of employing legal practitioners.

53. The expense of employing an advocate, vakíl, attorney, or other legal practitioner incurred by any party, shall not be allowed as costs in any suit or in any proceeding under chapter V of this Act, in the Small Cause Court, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

The Small Cause Court may from time to time by general rules determine the cases in which such expenses shall be allowed.

Sections 3, 5 or 25 of Court Fees Act, 1870, saved.

54. Nothing contained in this chapter shall affect the provisions of section 3, 5 or 25 of the Court Fees Act, 1870.

CHAPTER X.

MISCONDUCT OF MINISTERIAL OFFICERS.

Act XVII of 1875, s. 70; Act XVII of 1877, s. 80; Act IX of 1850, s. 86.

Power to fine officers.

55. The Small Cause Court may by order fine in an amount not exceeding one month's salary any clerk, bailiff or other ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Act IX of 1850, s. 85.

Default of bailiff or other officer in execution of order or warrant.

56. If any clerk, bailiff or other ministerial officer of the Small Cause Court, who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Small Cause Court, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as in the opinion of the Court represents the amount of the damage sustained by such person thereby.

Act IX of 1850, s. 86.

Extortion or default of officers.

57. If any clerk, bailiff or other ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

58. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Act IX of 1850, s. 85.

Enforcement of order.

59. Any order under this chapter for the payment or repayment of money may, in default of [illegible] of the amount payable thereunder, be enforced by the person to whom such amount is payable as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XI.

CONTEMPT OF COURT.

Act X of 1872, s. 485; Act IV of 1877, s. 205. Cf. also draft Code of Criminal Procedure, s. 480.

Procedure of the Court in certain cases of contempt.

60. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and sentence the offender to fine not exceeding two hundred rupees, and in default of payment to imprisonment in the civil Jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

61. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence. If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X of 1872, s. 486; Act IV of 1877, s. [illegible]. Cf. draft Code of Criminal Procedure, s. 483.

Procedure where Court considers that the case should not be dealt with under section 60.

62. If the Court considers that a person accused of any of the offences referred to in section sixty and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section sixty,

the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

Act X of 1872, s. 487; Act IV of 1877, s. 207. Cf. draft Code of Criminal Procedure, s. 484.

Discharge of offender on submission or apology.

63. When the Court has, under section sixty or section sixty-two, sentenced an offender to punishment, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender, or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Act X of 1872, ss. 356-364: Act X of 1875, s. 89: Act IV of 1877, s. 141. Cf. draft Code of Criminal Procedure, s. 485. (Also see Act IX of 1850, s. 49.)

Imprisonment or commitment of person refusing to answer or produce document.

64. If any witness before the Small Cause Court refuses to answer such questions as are 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 reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section sixty or sixty-two.

Draft Code of Criminal Procedure, s. 287.

Appeal from orders under sections 60 and 64.

65. Any person deeming himself aggrieved by an order under section sixty or section sixty-four may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals, shall, so far as may be, apply to appeals under this section.

CHAPTER XII.

MISCELLANEOUS.

Cf. Act XVII of 1875. See s. 37 of Act IX of 1880.

Questions arising in suits, &c., under Act to be decided according to law administered in High Court.

66. All questions other than questions relating to procedure or practice which arise in suits or other proceedings under this Act in the Small Cause Court 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.

Act [illegible] of 1877, s. [illegible].

Persons by whom process may be served.

67. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by the attorneys in the suit, or by persons employed by them in this behalf, or by such other persons as the Court, from time to time, by rule or order, directs.

Act XVII of 1875, s. 69.

Registers and returns.

68. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Act XI of 1865, s. 53. Letters Patent, s. 43.

Court to furnish records, &c., called for by Local Government or High Court.

69. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Act XVII of 1875, s. 71. (Cf. Act IX of 1850, s. 23.)

Holidays and vacations.

70. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Act IX of 1850, s. 35.

Certain persons exempt from arrest by Court.

71. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the 24th & 25th of Victoria, chapter 104, shall not be liable to arrest by order of any Court constituted under this Act.

I. L. R. 5, Calc., p. 294.

No suit to lie upon decree of Court.

72. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

73. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government from time to time appoints in this behalf.

Act IX of 1850, s. 111.

Tender in suit for anything done under Act.

74. If any person against whom any suit is brought for anything purporting to be done by him under this Act, has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Act IX of 1850, s. 111.

Limitation of prosecutions.

75. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence is committed.

THE FIRST SCHEDULE.

(See section 2.)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act XI of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section* 27.)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except sections 15, 16 and 17, 18, 19, 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 57, clause (*b*).

CHAPTER VI.—Of the Issue and Service of Summons, except section 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents, except, in the proviso to section 121, the words "and that no defendant shall deliver interrogatories for the examination of the plaintiff, unless such defendant has previously tendered a written statement, and such statement has been received and placed on the record."

CHAPTER XI.—Settlement of Issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except section 154 and section 155, second paragraph.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207 and 211 to 214 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 262 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 to 343 (both inclusive).

CHAPTER XX.—Of Insolvent Judgment-debtors, except section 360.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—So far as relates to suits by Government, or against Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXVI.—Appointment of Receivers, except sections 504 and 505.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XXXIX.—Of Summary Procedure on Negotiable Instruments.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 645 (both inclusive), 647 to 652 (both inclusive).

THE THIRD SCHEDULE.

(*See sections* 37 *and* 38.)

PERSONS EXCLUDED FROM INSOLVENCY JURISDICTION OF COURT.

Bankers, sharafs or banians, professional money-lenders:

sugar, indigo, tea, wool, silk or other manufacturers:

owners of cotton, jute, hide or other screws:

owners or farmers of fairs, markets or bázárs:

ship-owners, dock-owners:

builders, auctioneers and pawnbrokers:

hotel-keepers, boarding-house keepers or lodging-house keepers:

letters-out of conveyances and cattle:

printers and publishers:

contractors, commission agents, bill-brokers and other brokers:

owners or lessees of theatres or other public places of amusement:

money-changers, grain-lenders:

dealers in horses, cattle or elephants:

persons using the trade of receiving other men's monies or estates into their trust or custody:

persons insuring ships or their freight or other matters against perils of the sea:

persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail; and

persons who, either for themselves or as agents or factors for others, seek their living by buying and selling, or buying and letting for hire, goods or commodities; or by the workmanship or conversion of goods or commodities:

Provided that no person earning his livelihood solely by agriculture, and no common labourer or workman for hire, or member of a company, shall be deemed as such to be included in this schedule.

THE FOURTH SCHEDULE.

(*See section* 48.)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	8	0	11	0	0
1,100	1,200	3	12	0	12	0	0
1,200	1,300	4	0	0	13	0	0
1,300	1,400	4	4	0	14	0	0
1,400	1,500	4	8	0	15	0	0
1,500	1,600	4	12	0	16	0	0
1,600	1,700	5	0	0	17	0	0
1,700	1,800	5	4	0	18	0	0
1,800	1,900	5	8	0	19	0	0
1,900	2,000	5	12	0	20	0	0

STATEMENT OF OBJECTS AND REASONS.

THE Courts now known as the Courts of Small Causes in the Presidency-towns were established by a Charter of George the Second, dated 8th January, 1753, and would accordingly appear to be the oldest Courts at present existing in British India.

They have, from time to time, undergone many changes, their constitution having been re-modelled, their jurisdiction extended and their procedure amended by various enactments and orders, in particular by Acts IX of 1850 and XXVI of 1864, which placed them on a footing closely resembling that of the English County Courts; but they have been left to a great extent untouched by the important legislation by which, in recent years, the procedure of the other Civil Courts in this country has been reformed.

The result of this is that they have become somewhat antiquated and do not fit in with the rest of the Indian judicial system; that their powers and procedure are, in many particulars, defective, and that though, owing to the efficient manner in which they have been worked, they have generally given satisfaction, questions have often to be discussed in them which, to use the words of a late Small Cause Court Judge, now on the bench of the Madras High Court, "are totally foreign to the people who resort to them, and some of which have only an historic interest even in England."

2. The need of completely revising the law relating to these Courts was pointed out many years ago by Mr. Fagan and Mr. Boulnois, two of the ablest Judges who have presided in the Calcutta Small Cause Court; and in the year 1868, a Bill was drafted for this purpose by Mr. Pitt Kennedy, but further action in the matter has been, from time to time, postponed pending the consideration of certain proposals regarding the jurisdiction and powers of the Courts. These proposals have now been fully discussed; as near an approach to unanimity regarding them as can well be hoped for has been attained, and the present Bill has accordingly been prepared to consolidate and amend the entire law.

3. The most important change introduced by it lies in the extension of the pecuniary limit of the jurisdiction from Rs. 1,000 to Rs. 2,000. This extension was asked for by the Calcutta Trades Association as far back as 1867. It has since then been much discussed, and has the approval of the Governments of Madras, Bombay and Bengal, of the High Court of Madras, and, subject to a limitation to be presently referred to, of the High Court at Calcutta. The only opposition to it comes from the High Court at Bombay; and that opposition appears to proceed, not so much from any objection to the principle of the extension, as from a fear that it will not be acceptable to the public—a point on which we shall be better able to form an opinion after the Bill has been published.

The Bill, it will be observed, is drawn so as to extend the jurisdiction in all classes of suits cognizable by the Court. The Calcutta High Court would have excepted actions of tort; but it has been thought well to avoid, if possible, making any distinctions of this sort, which, to persons of the class who resort to the Small Cause Court and their advisers, would, it is feared, occasion difficulties.

4. Assuming that the pecuniary limit of the jurisdiction is to be raised as proposed, the question arises whether any appeal should be allowed in suits above Rs. 1,000; or whether the present system of allowing a new trial by the Court itself and a reference to the High Court on a point of law is sufficient. On this point the difference of opinion has been greater.

The Governments of Bombay and Bengal, the Calcutta High Court, and the Judges of the Small Cause Court at Bombay, are against admitting an appeal. The Government of Madras, the High Court there, and the Judges of the Small Cause Courts at Calcutta and Madras, are in favour of it; as was also Mr. Kennedy at the time he drew the Bill already referred to.

On the one hand, it is urged that allowing an appeal is, especially as it involves the taking of notes of evidence and the writing of judgments, inconsistent with the summary procedure of the Small Cause Court; that the hearing of cases subject to appeal could not conveniently be carried on simultaneously with the ordinary Small Cause Court work, and that the existence of a power to appeal would render litigation needlessly protracted and expensive.

On the other hand, the importance of providing a check on the trial of questions of fact in suits of the higher value is insisted on, and it is pointed out that, in two at least of the presidency-towns, the practice of taking notes of evidence in all contested cases already prevails. The Bill as at present drawn does not provide an appeal, but the Select Committee, to which it is proposed to refer it, will, no doubt, consider whether in suits above Rs. 1,000 an appeal should not be allowed.

5. The next question which presents itself in connection with the jurisdiction of the Court is that as to the classes of suits which the Court should be empowered to hear. It has been thought best, both with a view to relieve the High Courts as far as possible, and in order to avoid, as far as may be, the doubts and difficulties which attend the construction of provisions of this sort, to draw the Bill so as to give the Small Cause Court jurisdiction in suits of all descriptions with certain specified exceptions.

6. The most important of these exceptions is that of suits for the recovery of immoveable property. It appears from the records of the Legislative Department that those who framed

Act IX of 1850 intended that its 25th section should confer jurisdiction on the Small Cause Courts in such suits; but there has been a considerable difference of opinion as to the actual effect of that Act and of its amending Act (XXVI of 1864) in this particular.

The High Courts of Calcutta and Bombay have held that the Small Cause Courts were given jurisdiction in the suits in question by the 25th section of Act IX of 1850. The Bombay High Court has held, further, that a like jurisdiction was conferred in suits up to Rs. 1,000 by the Act of 1864, while the Judges of the Calcutta Small Cause Court hold that their jurisdiction in such suits was not extended by that Act. The Madras High Court has held that neither Act conferred any such jurisdiction. To this it should be added that in Calcutta the jurisdiction, though held to exist up to Rs. 500, is, for some reason which has not been fully explained, but little resorted to.

The Madras and Bombay authorities and the majority of the Calcutta High Court are in favour of giving the jurisdiction. The Bengal Government, the officers consulted by it (including the Judges of the Calcutta Small Cause Court) and four of the Judges of the Calcutta High Court are against it. The Bill, as has been already stated, does not give it, and it is manifest that if it were to be given, special provisions relating to it would need to be introduced. An appeal should certainly be given; proper provision would have to be made for execution, and probably some rules would, as suggested both from the Calcutta and Madras High Courts, be required to limit the operation of the decisions as *res judicatæ*.

Other cases in which the Bill proposes to withhold jurisdiction from the Small Cause Courts are suits against the Secretary of State in Council; suits for partition, foreclosure, redemption; suits for the specific performance or the rescission of contracts relating to immoveable property; administration-suits: suits to obtain an injunction: suits to enforce a trust.

7. One point more remains to be noticed in connection with the jurisdiction of the Courts.

Act IX of 1850, in conferring jurisdiction on the Courts up to a value of Rs. 500, confines its exercise to cases of defendants dwelling or carrying on business within the local limits. Act XXVI of 1864, on the other hand, in conferring jurisdiction between the values of Rs. 500 and Rs. 1,000, gives an alternative ground for its exercise, namely, the circumstance of the cause of action having arisen within the local limits. It has been urged by most of the authorities consulted that the basis of the jurisdiction should be the same in cases of all values. On the other hand, fears have been expressed by some that a power to institute a suit of the lower value against a defendant residing at a distance might be liable to abuse unless some limitation were imposed. The correct view of the matter seems to be that taken by the Judges of the Madras High Court and Mr. Busteed, namely, that in this particular no distinction should be made between the High Court and the Small Cause Court, and accordingly the Bill has been drawn so as to place the jurisdiction of the Small Cause Court in this respect on precisely the same footing as that on which the jurisdiction of the High Court is placed by the Letters Patent.

8. The want of any power to execute the decree of a Small Cause Court against immoveable property, except by the circuitous process of instituting a suit upon such decree in the High Court, has for many years past been complained of as involving an undue hardship to plaintiffs, and in some places, particularly in Madras, driving them to institute their suits in the High Court instead of in the Small Cause Court. The objections that exist to giving the Small Cause Courts jurisdiction in suits to recover immoveable property apply also to giving them power to execute their decrees against immoveable property, and it is accordingly proposed by the Bill (section 24) to empower the Court to send its decrees for execution to the High Court or to a mufassal Court, in the same way as the mufassal Small Cause Courts do under section 20 of Act XI of 1865. The only serious opposition to this proposal comes from the High Court at Bombay, and it rests mainly on the political or economical objections which of late years have been so frequently urged against the sale of immoveable property in execution of decrees—objections which, however weighty they may be in the mufassal, where the land is the only means of livelihood of the mass of the people, and is in fact the basis of society, have little or no force in the cases that occur in the presidency-towns.

9. Section 21 of the Bill and the schedule make the Code of Civil Procedure the foundation of the procedure of the Small Cause Courts in the presidency-towns, as it is of those in the mufassal; but the special provisions of the existing Acts regarding Court-fees, fees to Counsel and attorney, and suspension of execution in cases of sickness, &c., have been retained, and it may be a question whether further modifications of the general law, for example, as regards the payment of expenses of witnesses (Code, sections 160 to 162), should not be introduced.

10. In the chapter relating to the recovery of small tenements, several amendments have been introduced, but they are merely such as are necessary in order to make the meaning of the original law clearer, or such as the working of the similar law in England has shewn to be desirable. Thus, the limitation of the operation of the chapter to cases in which the possession has commenced, either in a tenancy or in permissive occupancy, is clearly in accordance with the intention of the authors of the law; and, though all doubt on this point was, as far as the Court at Calcutta is concerned, precluded by a decision of the Supreme Court there, in the year 1851, the circumstance, mentioned in one of the communications received,

that another High Court has taken the directly opposite view shows the necessity of making the law more distinct.

11. The words "the value *or* the rent" in section 91 of Act IX of 1850 were copied from section 122 of the English County Courts Act, 9 & 10 Vic., c. 122, where they were probably used *per incuriam*. Their effect, according to the construction put upon them in a well-known case, is that property of great value—*e.g.*, extensive buildings erected on a plot of land held at a rent below Rs. 1,000—might be brought within this very summary jurisdiction. The Bill provides that there shall be no jurisdiction if the annual value at a rack-rent exceeds Rs. 1,000.

12. The chapter on insolvency-jurisdiction is completely new. The introduction of a chapter of this sort has been advocated by the Government of Bengal, the Calcutta High Court and the present Chief Justice of Madras, with a view to relieving the High Courts of a mass of petty work with which they are at present burthened to the great detriment of more important business. There has been some difference of opinion as to the way in which the insolvency-jurisdiction should be divided between the High Court and the Small Cause Court. The principle of division adopted by the Bill, which assigns to the Small Cause Court all cases of non-traders, leaving to the High Court only the cases of traders, is that proposed by the Calcutta High Court; and it seems to be the most convenient, as it is, as a rule, in the latter class of cases only that questions of difficulty and importance arise in this country. The great mass of non-trading insolvents consists of Government clerks who have lived beyond their means, and the settlement of whose affairs is, generally speaking, only too simple a matter, there being in the majority of cases little or no assets to recover or distribute.

13. It might seem at first sight that the simplest mode of providing for the exercise of this jurisdiction would have been by transferring to the Small Cause Court a portion of the jurisdiction conferred on the Judges of the High Court under 11 & 12 Vic., c. 21; but an examination of that Statute will show that in some particulars its operation extends beyond the limits of British India, and there would accordingly, looking to the restricted powers of the Indian legislature, be a difficulty in moulding it to suit the case. This being so, it has been thought best to fall back upon the more limited provisions of the Civil Procedure Code, which appear to be sufficient in the simple and comparatively unimportant class of cases we have to deal with.

☞ The official assignee under 11 & 12 Vic., c. 21, will be Receiver in all cases under this chapter.

14. The chapter on testamentary and intestate jurisdiction has been introduced with a view to relieving the High Court, and at the same time providing a cheap and expeditious mode of obtaining probate or letters of administration in the case of estates of less than Rs. 1,000 in amount or value.

15. The seventy-second section, which prohibits the bringing of a suit to enforce a decree of a Small Cause Court, merely affirms what has been held by the Calcutta High Court in a recent case to be the existing law.

16. The Bill, it will be observed, though it comprises certain subjects not provided for by the existing Acts, contains a much smaller number of sections than they do. This is due chiefly to the omission of matters provided for by the sections of the Code of Civil Procedure which it is proposed to apply, or by the general law; but partly also to the omission of certain matters—*e.g.*, the security to be given by ministerial officers, and the mode of keeping the accounts of the Court—which, in accordance with the practice of recent years, are left to be dealt with by the Executive Government, in accordance with the ordinary departmental rules.

SIMLA;
The 28th August, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 11, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd September, 1880, and was referred to a Select Committee:—

No. 15 of 1880.

THE PRESIDENCY SMALL CAUSE COURTS BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.
1. Short title.
Commencement.
2. Repeal of Enactments.
References in previous Acts.
3. Amendment of Acts.
4. "Small Cause Court" defined.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.
5. Courts of Small Causes established.
6. Court to be deemed under superintendence of High Court.
7. Appointment, suspension and removal of Judges.
8. Rank and precedence of Judges.
9. Delegation of powers of Court to its members.
10. Chief Judge to distribute business of Court.
11. Procedure in case of difference of opinion.
12. Seal to be used.
13. Appointment of ministerial officers.
Powers and duties of such officers.
14. Judge or other officer not to practise or trade.

CHAPTER III.

JURISDICTION IN RESPECT OF SUITS.
15. Local limits of jurisdiction of Court.
16. Suits in which Court has jurisdiction.
17. Suits in which Court has no jurisdiction.
18. Court may by consent try suits beyond pecuniary limits of jurisdiction.
19. Suits by and against officers of Court.
Costs in suits in High Court for certain wrongs committed by officers of Small Cause Court.
20. Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.
Proviso.

CHAPTER IV.

PROCEDURE IN SUITS.
21. Portions of Civil Procedure Code extending to the Court.
22. No written statement except in cases of set-off.
23. Judgments and orders of Court final.
Power to order new trial.
24. Execution of decree of Small Cause Court by other Courts.
Procedure when decree transferred.

SECTIONS.

25. Discharge of arrested judgment-debtor on sufficient security.
26. Court may in certain cases suspend execution of decree.
27. Compensation payable by plaintiff to defendant in certain cases.

CHAPTER V.

JURISDICTION WITH REGARD TO THE RECOVERY OR POSSESSION OF IMMOVEABLE PROPERTY.

28. Summons against person occupying property without leave.
29. Service of summons.
30. Order for possession.
31. Such order to justify bailiff entering on property and giving possession.
Bar to proceedings against Judge or officer for issuing, &c., order or summons.
32. Applicant if entitled to possession not to be deemed trespasser for any error in proceedings;
Occupant may sue for compensation.
33. Liability of applicant obtaining order when not entitled.
Application for order in such case an act of trespass.
34. Stay of proceedings on occupant giving security to bring a suit against the applicant.
35. Proceedings to be regulated by the Code of Civil Procedure.
Applications by paupers.
36. Recovery of possession no bar to suit to try title.

CHAPTER VI.

INSOLVENCY JURISDICTION.

37. Power to entertain certain applications under Chapter XX of Civil Procedure Code.
38. And certain other applications by non-trading debtors.
39. Official assignee under 11 & 12 Vic., c. 21, to be received in cases under this chapter.
40. Appeal to the High Court from orders under sections 351, 352, 353 and 357 of Code.
41. Bar of jurisdiction of High Court in cases falling under this chapter.

CHAPTER VII.

TESTAMENTARY AND INTESTATE JURISDICTION.

42. Local limits of jurisdiction of Court to be deemed a District and Court to be deemed a District Judge under Acts X of 1865 and XXI of 1870.
43. Application to be conclusive as to jurisdiction.
44. Procedure in cases under this chapter.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

45. Reference when compulsory.
46. Security to be furnished on such reference by party against whom contingent judgment given.
If no such security given, party to be deemed to have submitted to judgment.

SECTIONS.

CHAPTER IX.

FEES AND COSTS.

47. Institution-fee.
48. Fees for processes.
49. Repayment of half fees on settlement before hearing.
50. Fees and costs of poor persons.
51. Power to Local Government to vary fees.
52. Fees in respect of proceedings under chapters VI and VII.
53. Expense of employing legal practitioners.
54. Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

CHAPTER X.

MISCONDUCT OF MINISTERIAL OFFICERS.

55. Power to fine officers.
56. Default of bailiff or other officer in execution of order or warrant.
57. Extortion or default of officers.
58. Court empowered to summon witnesses, &c.
59. Enforcement of order.

CHAPTER XI.

CONTEMPT OF COURT.

60. Procedure of Court in certain cases of contempt.
61. Record in such cases.
62. Procedure where Court considers that the case should not be dealt with under section 60.
63. Discharge of offender on submission or apology.
64. Imprisonment or committal of person refusing to answer or produce document.
65. Appeal from orders under sections 60 and 64.

CHAPTER XII.

MISCELLANEOUS.

66. Questions arising in suits, &c., under Act to be decided according to law administered by High Court.
67. Persons by whom process may be served.
68. Registers and returns.
69. Court to furnish records, &c., called for by Local Government or High Court.
70. Holidays and vacations.
71. Certain persons exempt from arrest by Court.
72. No suit to lie upon decree of Court.
73. Place of imprisonment.
74. Tender in suit for anything done under Act.
75. Limitation of prosecutions.

SCHEDULE I.—ENACTMENTS REPEALED.

SCHEDULE II.—PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

SCHEDULE III.—PERSONS EXCLUDED FROM INSOLVENCY-JURISDICTION OF COURT.

SCHEDULE IV.—FEES FOR SUMMONSES AND OTHER PROCESSES.

A Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1881"; and it shall come into force on the first day of July, 1881.

But nothing herein contained shall affect the provisions of the Army Discipline and Regulation Act, 1879, section 144.

Repeal of enactments.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted and appointments made under any of the said enactments shall, as far as may be, be deemed to have been respectively constituted and made under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the day on which this Act comes into force, shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

For references, see Act V of 1871, s. 14; Act XVIII of 1879, s. 3.

Amendment of Acts.

3. In Act No. XXIII of 1850 *(for securing the Land-Revenue of Calcutta)*, section 3, the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for the recovery of small debts referred to in the said Act," and "the said Commissioners", the words "the Judges of the Court of Small Causes at Calcutta" shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "Chapter XXXIX", the words and figures "and by the Presidency Small Cause Courts Act, 1881" shall be inserted.

'Small Cause Court' defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

New. See 8 Ben. H. C. Rep. (O. C. J.) 59 & sec. 652 of Act X of 1877.

Court to be deemed under superintendence of High Court.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure.

Appointment, suspension and removal of Judges.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint so many persons as it thinks fit to be Judges of the Small Cause Court, of whom one at least shall be a Barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland. See Act XXVI of 1864, s. 12; Act IX of 1850, s. 8.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed. Act IX of 1850, s. 10.

Rank and precedence of Judges.

8. The senior in appointment of the Judges who are Barristers or Advocates shall be called the Chief Judge, and shall be the first of the Judges in rank and precedence. See Act XXVI of 1864, s. 14.

The other Judges shall have rank and precedence according to the seniority of their appointment as such Judges: provided that a Judge permanently appointed shall be deemed senior to an officiating Judge. Act XVII of 1877, s. 6.

Delegation of powers of Court to its members.

9. Except as herein or by any other law for the time being in force otherwise provided, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force. Act XVII of 1877, s. 119. (Cf. Act IX of 1850, s. 23.)

Chief Judge to distribute business of Court.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof. Act XXVI of 1864, s. 14.

Procedure in case of difference of opinion.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the senior Judge so differing, shall have the casting voice. Act XI of 1865, s. 33.

Seal to be used.

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government. Act XVII of 1875, s. 10 (*b*). (Cf. Act IX of 1850, s. 24.)

Appointment of ministerial officers.

13. The Small Cause Court may, from time to time, appoint a chief clerk and, subject to the control of the Local Government, as many additional clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force. Act IX of 1850, ss. 13-16.

Powers and duties of such officers.

The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Small Cause Court (subject to the control of the High Court) may, from time to time, by rules to be made in this behalf, direct. Cf. Act IX of 1850, ss. 14-16. Act XVII of 1877, s. 23.

Act XVII of 1875, s. 70.

The Small Cause Court may suspend or remove any officer so appointed; but the removal of any officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Act IX of 1850, ss. 9 and 17.

Judge or other officer not to practise or trade.

14. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an Advocate, Attorney, Vakil or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Provided that nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian Legislature.

CHAPTER III.

JURISDICTION IN RESPECT OF SUITS.

Act IX of 1850, s. 5.

Local limits of jurisdiction of Court.

15. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Act IX of 1850, ss. 25 and 32. Cf. Act X of 1877, s. 11.

Suits in which Court has jurisdiction.

16. Subject to the exceptions in section seventeen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature:

19 & 20 Vic., c. 106, s. 24. Cf. 18.

Provided that the amount or value of the subject-matter does not exceed two thousand rupees:

Letters Patent of 1865, s. 12.

Provided also that the cause of action has arisen either wholly, or, in case the leave of the Small Cause Court has been first obtained, in part, within the local limits of its jurisdiction, or that the defendant, at the time of the commencement of the suit, dwells, or carries on business, or personally works for gain, within such limits.

Explanation.—When in any suit the sum claimed is, by an admitted set-off of any sum claimed by the defendant from the plaintiff, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Act IX of 1850, s. 25.

Suits in which Court has no jurisdiction.

17. The Small Cause Court shall have no jurisdiction—

See 5 Bom. H. C. Rep. (O. C. J.) 1.

(*a*) in suits concerning the assessment or collection of the revenue;

(*b*) in suits against the Secretary of State for India in Council;

(*c*) in suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or Local Government;

(*d*) in suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court of any such Judge or judicial officer;

(*e*) in the suits specified in section sixteen, clauses (*a*) to (*d*) of the Code of Civil Procedure;

(*f*) in suits for the specific performance or the rescission of contracts relating to any right to or interest in immoveable property;

(*g*) in suits for an account of property and its due administration under the decree of the Court;

(*h*) in suits for damages for libel or slander, adultery or breach of promise of marriage;

(*i*) in suits for the restitution of conjugal rights;

(*j*) in suits to enforce a trust;

(*k*) in suits to obtain an injunction;

(*l*) in suits on any judgment of a High Court; 19 & 20 Vic., c. 108, s. 27.

(*m*) in suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Act XXVI of 1864, s. 3.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

18. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Act IX of 1850, s. 100.

Suits by and against officers of Court.

19. All suits to which an officer of the Small Cause Court is a party, except suits in respect of claims to property taken in execution of its process, or the proceeds or value thereof, may be brought in the High Court at the election of the plaintiff as if this Act had not been passed.

Act IX of 1850, s. 102.

Costs in suits in High Court for certain wrongs committed by officers of Small Cause Court.

If any suit cognizable by the Small Cause Court is instituted in the High Court in respect of any wrong committed by an officer of the Small Cause Court under colour of its process, and the plaintiff obtains no greater damages than the sum of two thousand rupees, no costs shall be allowed him unless the Judge who tries the case certifies in writing that the suit was a fit one to be instituted in the High Court.

Act IX of 1850, s. 101; Act XXVI of 1864, s. 7.

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

20. If any suit cognizable by the Small Cause Court other than the suits mentioned in section nineteen is instituted in the High Court, and if in such suit the plaintiff obtains a decree, in the case of a suit founded on contract for an amount or value of less than two thousand rupees, and in the case of any other suit for an amount or value of less than three hundred rupees,

no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client:

Proviso.

Provided that the foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court for any of the following reasons (that is to say):—

(*a*) because of the difficulty, novelty or general importance thereof, or of some erroneous course of decisions in like cases in the Small Cause Court; or

(*b*) because of there being any question to be determined in such suit, upon which question claims or demands exceeding in aggregate value or amount two thousand rupees are dependent; or

(*c*) because of the suit depending upon the title to immoveable property exceeding in value two thousand rupees.

CHAPTER IV.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

21. The chapters and sections of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend (so far as they are applicable) to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act.

No written statement except in cases of set-off.

(Cf. Act XI of 1865, s. 20.)

22. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Judgments and orders of Court final. Power to order new trial.

23. Save as is hereinafter specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive between the parties; but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit, order a new trial to be held upon such terms as it thinks reasonable, and may in the meantime stay the proceedings:

Act IX of 1850, s. 53.

Provided that the applicant at the time of making the application pays into court the amount, if any, payable by him under such decree or order.

Execution of decree of Small Cause Court by other Courts.

24. If the judgment-debtor under any decree of the Small Cause Court has not within the local limits of its jurisdiction moveable property sufficient to satisfy the decree, the Court may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within whose general jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Act IX of 1850, s. 66.

Discharge of arrested judgment-debtor on sufficient security.

25. Whenever any judgment-debtor who has been arrested in execution of a decree of the Small Cause Court offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged.

Act IX of 1850, s. 71. (see I.L. R. 5 Calc., p. 294.)

Court may in certain cases suspend execution of decree.

26. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time for such time and upon such terms as it thinks fit, suspend the execution of such decree.

Act IX of 1850, s. 42.

Compensation payable by plaintiff to defendant in certain cases.

27. In any suit in which the defendant appears and does not admit the claim, and the suit is dismissed, the Small Cause Court may order the plaintiff to pay to the defendant by way of satisfaction for his trouble and attendance, such sum as it, in its discretion, thinks fit. Any such order may, in default of payment of the amount payable thereunder, be enforced by the defendant against the plaintiff as if the same were a decree of the Court.

CHAPTER V.

JURISDICTION WITH REGARD TO THE RECOVERY OR POSSESSION OF IMMOVEABLE PROPERTY.

Act IX of 1850, s. 91. 19 & 20 Vic., c. 108, s. 50.

Summons against person occupying property without leave.

28. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims;

and such tenancy or permission has been determined or been withdrawn;

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Act IX of 1850, s. 94.

Service of summons.

29. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Act IX of 1850, ss. 92, 93. 19 & 20 Vic., c. 108, s. 50.

Order for possession.

30. If the occupant does not appear at the time appointed, and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section twenty-eight, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court may think fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Act IX of 1850, s. 93.

Such order to justify bailiff entering on property and giving possession.

31. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant:

Act IX of 1850, s. 95.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Act IX of 1850, s. 96.

Applicant, if entitled to possession, not to be deemed trespasses for any error in proceedings;

32. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity:

Occupant may sue for compensation.

Provided that, when no such damage is proved, the suit shall be dismissed; and that, in any case in which such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the same certifies that in his opinion full costs should be awarded to the plaintiff.

Act IX of 1850, s. 93.

Liability of applicant obtaining order when not entitled.

33. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Act IX of 1850, s. 97.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the issue of any such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Act IX of 1850, s. 97.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

34. Whenever on an application being made under this chapter the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court for compensation for trespass against the applicant, and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section thirty.

New.

Proceedings to be regulated by the Code of Civil Procedure.

35. In all proceedings under this chapter, the Small Cause Court shall, as far as may be, and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Applications by paupers.

Applications under this chapter may be made by paupers in accordance with the provisions of chapter XXVI of the said Code, as if such applications were suits by paupers within the meaning of the said chapter.

Act IX of 1850, s. 98.

Recovery of possession no bar to suit to try title.

36. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

CHAPTER VI.

INSOLVENCY JURISDICTION.

Power to entertain certain applications under Chapter XX of Civil Procedure Code.

37. The Small Cause Court shall have power to entertain applications for declarations of insolvency under the provisions of chapter XX of the Code of Civil Procedure in respect of all judgment-debtors who reside, or are in custody, within the local limits of its jurisdiction and do not carry on any trade or business comprised in the third schedule hereto annexed.

And certain other applications by non-trading debtors.

38. In addition to the cases specified in section thirty-seven, any person who is in insolvent circumstances and who resides within the local limits of the jurisdiction of the Small Cause Court and does not carry on any trade or business comprised in the said schedule may apply to the Court to be declared insolvent.

All the provisions of the said chapter relating to applications by judgment-debtors shall apply, so far as the same may be applicable, *mutatis mutandis*, to applications by such persons.

Official assignee under 11 & 12 Vic., c. 21, to be Receiver in cases under this chapter.

39. The person for the time being appointed under the 11th & 12th of Victoria, chapter twenty-one, section fourteen, to be the official assignee under the said Statute, shall in all cases over which jurisdiction is conferred on the Small Cause Court by this chapter be the Receiver for the purposes of chapter XX of the Code of Civil Procedure, and may retain as a remuneration for the performance of his duties as such Receiver the commission which may be allowed to a Receiver under that chapter.

Appeal to the High Court from orders under sections 351, 352, 353 and 357 of Code.

40. An appeal shall lie to the High Court from all orders of the Small Cause Court passed under sections 351, 352, 353 and 357 of the same Code in exercise of the jurisdiction conferred by this chapter.

The procedure prescribed by section 590 of the same Code for appeals from orders shall, so far as may be, apply to such appeals.

Bar of jurisdiction of High Court in cases falling under this chapter.

41. Notwithstanding anything to the contrary contained in the 11th & 12th of Victoria, chapter twenty-one, the High Court shall not entertain any application for a declaration of insolvency in cases in which such application might be made under this Act.

But the High Court may in its discretion, on the application of any person concerned, direct that in any case under this chapter which but for this Act would have been cognizable by it under the said Statute, the proceedings in the Small Cause Court shall be closed; and thereupon any person entitled to present a petition under the said Statute may present the same as if this Act had not been passed.

CHAPTER VII.

TESTAMENTARY AND INTESTATE JURISDICTION.

Local limits of jurisdiction of Court to be deemed a District and Court to be deemed a District Judge under Acts X of 1865 and XXI of 1870.

42. The local limits of the jurisdiction of the Small Cause Court shall be deemed a District, and the Court shall be deemed a District Judge, within the meaning of the Indian Succession Act, 1865, and the Hindú Wills Act, 1870, for the purpose of granting probate and letters of administration in cases in which the assets of the deceased person, exclusive of trust-property, but without deducting debts owing by him, are less than one thousand rupees.

Every application for probate or letters of administration under this section shall state the amount of the said assets to the best of the applicant's knowledge or belief.

20 & 21 Vic., c. 77, s. 57.

Application to be conclusive as to jurisdiction.

43. The application for probate or letters of administration if made and verified in manner mentioned in the Indian Succession Act, 1865, shall be conclusive for the purpose of authorizing the grant of probate or letters of administration; and no such grant shall be impeached by reason that the assets of the deceased person, exclusive of trust-property, but without deducting debts owing by the deceased, did in fact exceed one thousand rupees, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Procedure in cases under this chapter.

44. The procedure of the Small Cause Court under this chapter shall be, as far as may be practicable, in accordance with the procedure prescribed for the District Judge by the said Acts respectively.

Every order made by the Small Cause Court under this chapter shall have the same effect and be subject to the like appeal as an order made by the District Judge under the said Acts respectively.

And all the provisions of the said Acts respectively relating to the grant and revoking of probate or letters of administration shall, *mutatis mutandis*, apply to the grant and revoking of probate or letters of administration under this chapter.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

Reference when compulsory.

45. If two or more Judges of the Small Cause Court sit together in any suit, or in any proceeding under chapter V of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, Act XI of 1865, s. 32.

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires, Act XXVI of 1864, s. 7.

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion. (Ordinary references provided for by Ch. XLVI, C. P. Code.)

Security to be furnished on such reference by party against whom contingent judgment given.

46. When judgment is given under section forty-five contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment: Act XXVI of 1864, s. 8. Act XXVI of 1864, s. 8. See 14 B. L. R., p. 182.

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into court, and the same has been paid accordingly.

If no such security given, party to be deemed to have submitted to judgment.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same. Act IX of 1880, ss. 19 & 20: Act XXVI of 1864, s. 11.

CHAPTER IX.

FEES AND COSTS.

Institution-fee.

47. A fee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees, the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees, the sum of one anna in the rupee on such amount or value,

shall be paid on the institution of every suit or every proceeding under chapter V of this Act; and no plaint or application shall be received in any such suit or proceeding until such fee has been paid.

Fees for processes.

48. The fees specified in the third and fourth columns of the fourth Schedule hereto annexed shall be paid previous to the issue in any such suit or proceeding of the processes to which the said columns respectively relate by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in Act IX of 1850, ss. 19 & 20: Act XXVI of 1864, s. 11.

the first column, but does not exceed the sum specified in the second column of the said Schedule.

Act IX of 1850, s. 20. Repayment of half fees on settlement before hearing.

49. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Act IX of 1850, s. 20. Fees and costs of poor persons.

50. The Small Cause Court may, whenever it thinks fit, receive and register applications under chapter V of this Act presented by poor persons without payment of the fee mentioned in section forty-seven, or on a part-payment of such fee.

Act IX of 1850, s. 21. Power to Local Government to vary fees.

51. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under section forty-seven or section forty-eight:

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

Fees in respect of proceedings under chapters VI and VII.

52. The fees chargeable under the Court Fees Act, 1870, in a District Court in respect of proceedings under chapter XX of the Code of Civil Procedure shall be levied in respect of all proceedings in the Small Cause Court under chapter VI of this Act, and the fees so chargeable in respect of proceedings relating to the grant of probate or letters of administration under the Indian Succession Act, 1865, or the Hindú Wills Act, 1870, shall be levied in respect of all proceedings in the Small Cause Court under chapter VII of this Act.

Act XXVI of 1864, s. 13. Expense of employing legal practitioners.

53. The expense of employing an advocate, vakíl, attorney or other legal practitioner incurred by any party, shall not be allowed as costs in any suit or in any proceeding under chapter V of this Act, in the Small Cause Court, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

The Small Cause Court may from time to time by general rules determine the cases in which such expenses shall be allowed.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

54. Nothing contained in this chapter shall affect the provisions of section 3, 5 and 25 of the Court Fees Act, 1870.

CHAPTER X.

MISCONDUCT OF MINISTERIAL OFFICERS.

Act XVII of 1875, s. 70: Act XVII of 1877, s. 36: Act IX of 1850, s. 86. Power to fine officers.

55. The Small Cause Court may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Act IX of 1850, s. 85. Default of bailiff or other officer in execution of order or warrant.

56. If any clerk, bailiff or other ministerial officer of the Small Cause Court, who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Small Cause Court, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as in the opinion of the Court represents the amount of the damage sustained by such person thereby.

Extortion or default of officers. Act IX of 1850, s. 85.

57. If any clerk, bailiff or other ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

58. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Enforcement of order. Act IX of 1850, s. 85.

59. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable, as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XI.

CONTEMPT OF COURT.

Procedure of Court in certain cases of contempt. Act X of 1872, s. 435: Act IV of 1877, s. 205. Cf. also draft Code of Criminal Procedure, s. 480.

60. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and sentence the offender to fine not exceeding two hundred rupees, and in default of payment to imprisonment in the civil Jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

61. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence. If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Procedure where Court considers that the case should not be dealt with under section 60. Act X of 1872, s. 436: Act IV of 1877, s. 206. Cf. draft Code of Criminal Procedure, s. 483.

62. If the Court considers that a person accused of any of the offences referred to in section sixty and committed in its view or presence should be imprisoned otherwise than in defau t of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section sixty,

the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

Act X of 1872, s. 437: Act IV of 1877, s. 207. Cf. draft Code of Criminal Procedure, s. 484. Discharge of offender on submission or apology.

63. When the Court has, under section sixty or section sixty-two, sentenced an offender to punishment, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender, or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Act X of 1872, ss. 356-364: Act. X of 1875, s. 89: Act IV of 1877, s. 141. Cf. draft Code of Criminal Procedure, s. 485. (Also see Act IX of 1850, s. 49.) Imprisonment or committal of person refusing to answer or produce document.

64. If any witness before the Small Cause Court refuses to answer such questions as are 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 reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section sixty or sixty-two.

Draft Code of Criminal Procedure, s. 287. Appeal from orders under sections 60 and 64.

65. Any person deeming himself aggrieved by an order under section sixty or section sixty-four may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals, shall, so far as may be, apply to appeals under this section.

CHAPTER XII.

MISCELLANEOUS.

Cf. Act XVII of 1875. See s. 37 of Act IX of 1850. Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

66. All questions other than questions relating to procedure or practice which arise in suits or other proceedings under this Act in the Small Cause Court 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.

Act X of 1877, s. 636. Persons by whom process may be served.

67. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by the attorneys in the suit, or by persons employed by them in this behalf, or by such other persons as the Court, from time to time, by rule or order, directs.

Registers and returns. Act XVII of 1875, s. 69.

68. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Court to furnish records, &c., called for by Local Government or High Court. Act XI of 1865, s. 53. Letters Patent, s. 43.

69. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Holidays and vacations. Act XVII of 1875, s. 71. (Cf. Act IX of 1850, s. 23.)

70. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Certain persons exempt from arrest by Court. Act IX of 1850, s. 35.

71. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the 24th & 25th of Victoria, chapter 104, shall not be liable to arrest by order of any Court constituted under this Act.

No suit to lie upon decree of Court. I. L. R. 5, Calc., p. 294.

72. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

73. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Tender in suit for anything done under Act. Act IX of 1850, s. 111.

74. If any person against whom any suit is brought for anything purporting to be done by him under this Act, has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Limitation of prosecutions. Act IX of 1850, s. 111.

75. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence is committed.

THE FIRST SCHEDULE.

(See section 2.)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section* 21.)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except sections 15, 16 and 17, 18, 19, 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 57, clause (*b*).

CHAPTER VI.—Of the Issue and Service of Summons, except section 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents, except, in the proviso to section 121, the words "and that no defendant shall deliver interrogatories for the examination of the plaintiff, unless such defendant has previously tendered a written statement, and such statement has been received and placed on the record."

CHAPTER XI.—Settlement of Issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except section 154 and section 155, second paragraph.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207 and 211 to 214 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 262 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 to 343 (both inclusive).

CHAPTER XX.—Of Insolvent Judgment-debtors, except section 360.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—So far as relates to suits by Government, or against Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXVI.—Appointment of Receivers, except sections 504 and 505.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XXXIX.—Of Summary Procedure on Negotiable Instruments.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 645 (both inclusive), 647 to 652 (both inclusive).

THE THIRD SCHEDULE.

(*See sections* 37 *and* 38.)

PERSONS EXCLUDED FROM INSOLVENCY-JURISDICTION OF COURT.

Bankers, sharafs or banians, professional money-lenders:

sugar, indigo, tea, wool, silk or other manufacturers:

owners of cotton, jute, hide or other screws:

owners or farmers of fairs, markets or bázárs:

ship-owners, dock-owners:

builders, auctioneers and pawnbrokers:

hotel-keepers, boarding-house keepers or lodging-house keepers:

letters-out of conveyances and cattle:

printers and publishers:

contractors, commission agents, bill-brokers and other brokers:

owners or lessees of theatres or other public places of amusement:

money-changers, grain-lenders:

dealers in horses, cattle or elephants:

persons using the trade of receiving other men's monies or estates into their trust or custody:

persons insuring ships or their freight or other matters against perils of the sea:

persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail; and

persons who, either for themselves or as agents or factors for others, seek their living by buying and selling, or buying and letting for hire, goods or commodities; or by the workmanship or conversion of goods or commodities:

Provided that no person earning his livelihood solely by agriculture, and no common labourer or workman for hire, or member of a company, shall be deemed as such to be included in this schedule.

THE FOURTH SCHEDULE.

(*See section* 48.)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	8	0	11	0	0
1,100	1,200	3	12	0	12	0	0
1,200	1,300	4	0	0	13	0	0
1,300	1,400	4	4	0	14	0	0
1,400	1,500	4	8	0	15	0	0
1,500	1,600	4	12	0	16	0	0
1,600	1,700	5	0	0	17	0	0
1,700	1,800	5	4	0	18	0	0
1,800	1,900	5	8	0	19	0	0
1,900	2,000	5	12	0	20	0	0

STATEMENT OF OBJECTS AND REASONS.

THE Courts now known as the Courts of Small Causes in the Presidency-towns were established by a Charter of George the Second, dated 8th January, 1753, and would accordingly appear to be the oldest Courts at present existing in British India.

They have, from time to time, undergone many changes, their constitution having been re-modelled, their jurisdiction extended and their procedure amended by various enactments and orders, in particular by Acts IX of 1850 and XXVI of 1864, which placed them on a footing closely resembling that of the English County Courts; but they have been left to a great extent untouched by the important legislation by which, in recent years, the procedure of the other Civil Courts in this country has been reformed.

The result of this is that they have become somewhat antiquated and do not fit in with the rest of the Indian judicial system; that their powers and procedure are, in many particulars, defective, and that though, owing to the efficient manner in which they have been worked, they have generally given satisfaction, questions have often to be discussed in them which, to use the words of a late Small Cause Court Judge, now on the bench of the Madras High Court, "are totally foreign to the people who resort to them, and some of which have only an historic interest even in England."

2. The need of completely revising the law relating to these Courts was pointed out many years ago by Mr. Fagan and Mr. Boulnois, two of the ablest Judges who have presided in the Calcutta Small Cause Court; and in the year 1868, a Bill was drafted for this purpose by Mr. Pitt Kennedy, but further action in the matter has been, from time to time, postponed pending the consideration of certain proposals regarding the jurisdiction and powers of the Courts. These proposals have now been fully discussed; as near an approach to unanimity regarding them as can well be hoped for has been attained, and the present Bill has accordingly been prepared to consolidate and amend the entire law.

3. The most important change introduced by it lies in the extension of the pecuniary limit of the jurisdiction from Rs. 1,000 to Rs. 2,000. This extension was asked for by the Calcutta Trades Association as far back as 1867. It has since then been much discussed, and has the approval of the Governments of Madras, Bombay and Bengal, of the High Court of Madras, and, subject to a limitation to be presently referred to, of the High Court at Calcutta. The only opposition to it comes from the High Court at Bombay; and that opposition appears to proceed, not so much from any objection to the principle of the extension, as from a fear that it will not be acceptable to the public—a point on which we shall be better able to form an opinion after the Bill has been published.

The Bill, it will be observed, is drawn so as to extend the jurisdiction in all classes of suits cognizable by the Court. The Calcutta High Court would have excepted actions of tort; but it has been thought well to avoid, if possible, making any distinctions of this sort, which, to persons of the class who resort to the Small Cause Court and their advisers, would, it is feared, occasion difficulties.

4. Assuming that the pecuniary limit of the jurisdiction is to be raised as proposed, the question arises whether any appeal should be allowed in suits above Rs. 1,000; or whether the present system of allowing a new trial by the Court itself and a reference to the High Court on a point of law is sufficient. On this point the difference of opinion has been greater.

The Governments of Bombay and Bengal, the Calcutta High Court, and the Judges of the Small Cause Court at Bombay, are against admitting an appeal. The Government of Madras, the High Court there, and the Judges of the Small Cause Courts at Calcutta and Madras, are in favour of it; as was also Mr. Kennedy at the time he drew the Bill already referred to.

On the one hand, it is urged that allowing an appeal is, especially as it involves the taking of notes of evidence and the writing of judgments, inconsistent with the summary procedure of the Small Cause Court; that the hearing of cases subject to appeal could not conveniently be carried on simultaneously with the ordinary Small Cause Court work, and that the existence of a power to appeal would render litigation needlessly protracted and expensive.

On the other hand, the importance of providing a check on the trial of questions of fact in suits of the higher value is insisted on, and it is pointed out that, in two at least of the presidency-towns, the practice of taking notes of evidence in all contested cases already prevails. The Bill as at present drawn does not provide an appeal, but the Select Committee, to which it is proposed to refer it, will, no doubt, consider whether in suits above Rs. 1,000 an appeal should not be allowed.

5. The next question which presents itself in connection with the jurisdiction of the Court is that as to the classes of suits which the Court should be empowered to hear. It has been thought best, both with a view to relieve the High Courts as far as possible, and in order to avoid, as far as may be, the doubts and difficulties which attend the construction of provisions of this sort, to draw the Bill so as to give the Small Cause Court jurisdiction in suits of all descriptions with certain specified exceptions.

6. The most important of these exceptions is that of suits for the recovery of immoveable property. It appears from the records of the Legislative Department that those who framed

Act IX of 1850 intended that its 25th section should confer jurisdiction on the Small Cause Courts in such suits; but there has been a considerable difference of opinion as to the actual effect of that Act and of its amending Act (XXVI of 1864) in this particular.

The High Courts of Calcutta and Bombay have held that the Small Cause Courts were given jurisdiction in the suits in question by the 25th section of Act IX of 1850. The Bombay High Court has held, further, that a like jurisdiction was conferred in suits up to Rs. 1,000 by the Act of 1864, while the Judges of the Calcutta Small Cause Court hold that their jurisdiction in such suits was not extended by that Act. The Madras High Court has held that neither Act conferred any such jurisdiction. To this it should be added that in Calcutta the jurisdiction, though held to exist up to Rs. 500, is, for some reason which has not been fully explained, but little resorted to.

The Madras and Bombay authorities and the majority of the Calcutta High Court are in favour of giving the jurisdiction. The Bengal Government, the officers consulted by it (including the Judges of the Calcutta Small Cause Court) and four of the Judges of the Calcutta High Court are against it. The Bill, as has been already stated, does not give it, and it is manifest that if it were to be given, special provisions relating to it would need to be introduced. An appeal should certainly be given; proper provision would have to be made for execution, and probably some rules would, as suggested both from the Calcutta and Madras High Courts, be required to limit the operation of the decisions as *res judicatæ*.

Other cases in which the Bill proposes to withhold jurisdiction from the Small Cause Courts are suits against the Secretary of State in Council; suits for partition, foreclosure, redemption; suits for the specific performance or the rescission of contracts relating to immoveable property; administration-suits: suits to obtain an injunction: suits to enforce a trust.

7. One point more remains to be noticed in connection with the jurisdiction of the Courts.

Act IX of 1850, in conferring jurisdiction on the Courts up to a value of Rs. 500, confines its exercise to cases of defendants dwelling or carrying on business within the local limits. Act XXVI of 1864, on the other hand, in conferring jurisdiction between the values of Rs. 500 and Rs. 1,000, gives an alternative ground for its exercise, namely, the circumstance of the cause of action having arisen within the local limits. It has been urged by most of the authorities consulted that the basis of the jurisdiction should be the same in cases of all values. On the other hand, fears have been expressed by some that a power to institute a suit of the lower value against a defendant residing at a distance might be liable to abuse unless some limitation were imposed. The correct view of the matter seems to be that taken by the Judges of the Madras High Court and Mr. Busteed, namely, that in this particular no distinction should be made between the High Court and the Small Cause Court, and accordingly the Bill has been drawn so as to place the jurisdiction of the Small Cause Court in this respect on precisely the same footing as that on which the jurisdiction of the High Court is placed by the Letters Patent.

8. The want of any power to execute the decree of a Small Cause Court against immoveable property, except by the circuitous process of instituting a suit upon such decree in the High Court, has for many years past been complained of as involving an undue hardship to plaintiffs, and in some places, particularly in Madras, driving them to institute their suits in the High Court instead of in the Small Cause Court. The objections that exist to giving the Small Cause Courts jurisdiction in suits to recover immoveable property apply also to giving them power to execute their decrees against immoveable property, and it is accordingly proposed by the Bill (section 24) to empower the Court to send its decrees for execution to the High Court or to a mufassal Court, in the same way as the mufassal Small Cause Courts do under section 20 of Act XI of 1865. The only serious opposition to this proposal comes from the High Court at Bombay, and it rests mainly on the political or economical objections which of late years have been so frequently urged against the sale of immoveable property in execution of decrees—objections which, however weighty they may be in the mufassal, where the land is the only means of livelihood of the mass of the people, and is in fact the basis of society, have little or no force in the cases that occur in the presidency-towns.

9. Section 21 of the Bill and the schedule make the Code of Civil Procedure the foundation of the procedure of the Small Cause Courts in the presidency-towns, as it is of those in the mufassal; but the special provisions of the existing Acts regarding Court-fees, fees to Counsel and attorney, and suspension of execution in cases of sickness, &c., have been retained, and it may be a question whether further modifications of the general law, for example, as regards the payment of expenses of witnesses (Code, sections 160 to 162), should not be introduced.

10. In the chapter relating to the recovery of small tenements, several amendments have been introduced, but they are merely such as are necessary in order to make the meaning of the original law clearer, or such as the working of the similar law in England has shewn to be desirable. Thus, the limitation of the operation of the chapter to cases in which the possession has commenced, either in a tenancy or in permissive occupancy, is clearly in accordance with the intention of the authors of the law; and, though all doubt on this point was, as far as the Court at Calcutta is concerned, precluded by a decision of the Supreme Court there, in the year 1851, the circumstance, mentioned in one of the communications received,

that another High Court has taken the directly opposite view shows the necessity of making the law more distinct.

11. The words "the value *or* the rent" in section 91 of Act IX of 1850 were copied from section 122 of the English County Courts Act, 9 & 10 Vic., c. 122, where they were probably used *per incuriam*. Their effect, according to the construction put upon them in a well-known case, is that property of great value—*e.g.*, extensive buildings erected on a plot of land held at a rent below Rs. 1,000—might be brought within this very summary jurisdiction. The Bill provides that there shall be no jurisdiction if the annual value at a rack-rent exceeds Rs. 1,000.

12. The chapter on insolvency-jurisdiction is completely new. The introduction of a chapter of this sort has been advocated by the Government of Bengal, the Calcutta High Court and the present Chief Justice of Madras, with a view to relieving the High Courts of a mass of petty work with which they are at present burthened to the great detriment of more important business. There has been some difference of opinion as to the way in which the insolvency-jurisdiction should be divided between the High Court and the Small Cause Court. The principle of division adopted by the Bill, which assigns to the Small Cause Court all cases of non-traders, leaving to the High Court only the cases of traders, is that proposed by the Calcutta High Court; and it seems to be the most convenient, as it is, as a rule, in the latter class of cases only that questions of difficulty and importance arise in this country. The great mass of non-trading insolvents consists of Government clerks who have lived beyond their means, and the settlement of whose affairs is, generally speaking, only too simple a matter, there being in the majority of cases little or no assets to recover or distribute.

13. It might seem at first sight that the simplest mode of providing for the exercise of this jurisdiction would have been by transferring to the Small Cause Court a portion of the jurisdiction conferred on the Judges of the High Court under 11 & 12 Vic., c. 21; but an examination of that Statute will show that in some particulars its operation extends beyond the limits of British India, and there would accordingly, looking to the restricted powers of the Indian legislature, be a difficulty in moulding it to suit the case. This being so, it has been thought best to fall back upon the more limited provisions of the Civil Procedure Code, which appear to be sufficient in the simple and comparatively unimportant class of cases we have to deal with.

The official assignee under 11 & 12 Vic., c. 21, will be Receiver in all cases under this chapter.

14. The chapter on testamentary and intestate jurisdiction has been introduced with a view to relieving the High Court, and at the same time providing a cheap and expeditious mode of obtaining probate or letters of administration in the case of estates of less than Rs. 1,000 in amount or value.

15. The seventy-second section, which prohibits the bringing of a suit to enforce a decree of a Small Cause Court, merely affirms what has been held by the Calcutta High Court in a recent case to be the existing law.

16. The Bill, it will be observed, though it comprises certain subjects not provided for by the existing Acts, contains a much smaller number of sections than they do. This is due chiefly to the omission of matters provided for by the sections of the Code of Civil Procedure which it is proposed to apply, or by the general law; but partly also to the omission of certain matters—*e.g.*, the security to be given by ministerial officers, and the mode of keeping the accounts of the Court—which, in accordance with the practice of recent years, are left to be dealt with by the Executive Government, in accordance with the ordinary departmental rules.

SIMLA;
The 28th August, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee:—

No. 16 of 1880.

A Bill to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and *it is expedient to provide* for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the passing thereof.

Local extent.

2. Sections three and twelve extend to the whole of British India. The remaining sections extend only to such parts of British India as the Local Government may, from time to time by notification in the official Gazette, direct.

"Census-officer" defined.

3. In this Act, "Census-officer" means any person appointed by the Local Government by name or in virtue of his office to make, or aid in or supervise the making of, the census within any specified local area.

XI (B. C.) of 1871, s. 3.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment. All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Census-officers to be deemed public servants.

XI (B. C.) of 1871, s. 8: IV (B. C.) of 1876, s. 185: V (M. C.) of 1878, s. 386: III (B C.) of 1872, s. 265: Cf. 33 & 34 Vic., c. 80, s. 4: *Ibid*, c. 107, s. 10: *Ibid*, c. 108, s. 18.

Duties of Census-officers how to be discharged in certain cases.

5. Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war, every person (except a pilot or harbour-master) having charge or control of a vessel, every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public or charitable or educational institution, and every keeper of any sarái, hotel, boarding-house or lodging-house, shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of the census are under his command or charge, or inmates of his house, as such Magistrate or officer may by an order in writing direct.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any such person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of Magistrate of district to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order in writing, call upon all land-holders, tenure-holders and farmers in his district, or their agents, to give such assistance as he needs towards the taking of a census of the persons who are at the time of such census on the lands of such persons. Such order shall specify the nature of the assistance required. XI (B. C.) of 1871, s. 5.

The Local Government may determine, by rules to be published in the official Gazette, the nature and extent of the assistance which the Magistrate of the District may require under this section.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as he may be directed by instructions issued in this behalf by the Local Government to ask. Ben. Act XI of 1871, s. 6: Cf. 33 & 34 Vic., c. 80, s. 6: Cf. 33 & 34 Vic., c. 107, s. 17: Cf. 33 & 34 Vic., c. 108, s. 18.

All such instructions shall be published by the Local Government in the official Gazette.

Obligation to furnish information to Census-officer.

8. Every person of whom any such question is asked by any Census-officer shall be legally bound to answer such question to the best of his knowledge or *belief*: See Penal Code, ss. 176, 177: Act XI of 1872, s. 6: Cf. 33 & 34 Vic., c. 80, s. 6: Cf. 33 & 34 Vic., c. 107, s. 17: Cf. 33 & 34 Vic., c. 108, s. 18.

Provided that no person shall be legally bound to state the name of any female member of his household.

Occupier of house, &c., to allow access.

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such reasonable access thereto as they may require for the purposes of the census. See Penal Code, s. 186.

Penalty for misconduct of Census-officers.

10. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section seven, or wilfully puts any question not authorized by such instructions, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees. XI (B. C.) of 1871, s. 9: 33 & 34 Vic., c. 80, s. 8: 33 & 34 Vic., c. 107, s. 16: 33 & 34 Vic., c. 108, s. 17: See Penal Code, ss. 166 and 167.

Jurisdiction in prosecutions.

11. The Local Government may, by notification in the official Gazette— XI (B. C.) of 1871, s. 9: (Panjáb Government letter No. 580C., dated 24th August, 1878, paragraph 18.)

(1) declare before what classes of Magistrates prosecutions under this Act or for neglecting or refusing to do anything required by this Act to be done may be instituted;

(2) direct that no such prosecution shall be instituted except with its previous sanction or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (1) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

See Secretary of State's despatch No. 34, dated 4th March, 1880, paragraph 7.

Records of census not admissible in evidence.

12. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any judicial proceeding:

Provided that nothing herein contained shall be deemed to apply to proceedings under this Act.

STATEMENT OF OBJECTS AND REASONS.

IT has been decided to take a general census of British India in February, 1881. The Committee appointed to report on the arrangements for the census recommended that a short general Act should be passed for the whole of India to make provision—

(*a*) for the appointment by Local Governments of a person or persons to take an account of the population;

(*b*) for empowering the chief executive officer of the district to appoint enumerators and supervisors;

(*c*) for imposing on land-holders, tenure-holders and farmers, or their agents, the duty of rendering such assistance as the local authority may direct;

(*d*) for empowering enumerators to put questions in accordance with their instructions, and to enter enclosures for the purpose of enumeration;

(*e*) for imposing penalties for default to give information;

(*f*) for imposing penalties for misconduct of enumerators;

(*g*) for defining by whom and before whom prosecutions under the Act should be instituted.

The President of the Committee thought that, if a general Act of this nature were passed, its extension to particular territories should be permissive and not imperative, power being given to Local Governments to extend it to the whole or any part of the territories under their control.

The Local Governments and Administrations have been consulted on these suggestions, and a majority are in favour of legislation.

2. The present Bill has therefore been framed. It carries out in the main the recommendations of the Committee, but, as it is not desirable to provide by legislation for what can be accomplished by executive order, no provision has been made for the first and second of the points above mentioned. Census-officers are, however, declared to be public servants within the meaning of the Indian Penal Code, and will thus enjoy the protection, while at the same time they will be liable, in the event of misconduct, to the penalties, afforded and prescribed by that Code in the case of such servants. The only other additions to the provisions suggested by the Committee are in sections 5, 11 and 12. In section 5, which follows section 8 of Bengal Act XI of 1871, power is given to require military and naval officers, masters of vessels, hotel-keepers and persons in charge of public charitable and educational institutions to aid in the work of the census. In section 11, clause (2), power is, on the recommendation of the Government of the Panjáb, conferred on the Local Government to declare that no prosecution under the Act shall be instituted without its previous sanction. Lastly, section 12 provides that the census-records shall not be admissible in evidence except in cases connected with the taking of the census. This provision has been inserted in consequence of a suggestion to this effect made by the Secretary of State for India.

C. GRANT.

The 1st September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee:—

No. 17 of 1880.

A Bill to regulate the navigation of the Pegu and Sittang Canal, and to provide for the execution of works necessary for its maintenance.

Preamble.

WHEREAS the Government has constructed a canal connecting the waters of the Pegu and Sittang rivers, partly by digging artificial channels and partly by using the water-bed of the Ka-ya-zoo creek; and whereas it is necessary to provide for the navigation and maintenance of the said canal; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Pegu and Sittang Canal Act, 1880";

Commencement.

and it shall come into force at once.

Interpretation-clause.

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

"The Canal."

(1) "The canal" means the Pegu and Sittang Canal, and includes—

Act VIII of 1873, s. 3 (1) (*a*).

(*a*) all channels and reservoirs now or hereafter constructed, maintained or controlled by the Government for the supply or storage of water in connection with the said canal, or supplemental thereto, between the Sittang lock, situated at Myit-kyo on the Sittang river, and the Pegu lock, situated near the village of Sin-o-bo on the Pegu river;

Ibid, s. 3 (1) (*b*).

(*b*) all works, embankments, structures, supply and escape-channels connected with the canal or with the said channels and reservoirs;

Ibid, s. 74.

(*c*) all lands occupied by the Government for the purposes of the said canal, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by, or belonging to, the Government, upon such lands:

Ibid, s. 3 (4). "Vessel."

(2). "Vessel" includes boats, rafts, timber and other floating bodies:

Ibid, s. 3 (7). "Canal Officer."

(3). "Canal Officer" means an officer appointed under this Act by the Chief Commissioner to exercise control over the canal or any part thereof:

Ibid, s. 3 (7). "Superintending Canal Officer."

(4). "Superintending Canal Officer" means an officer exercising general control over the canal.

Act VIII of 1873, s. 4. Power to appoint officers.

3. The Chief Commissioner may from time to time declare, by notification in the *British Burma Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Navigation of the Canal.

Tolls to be levied from vessels using canal.

4. Such tolls as the Chief Commissioner may from time to time, by notification in the official Gazette, direct shall be levied from all vessels entering or navigating the canal.

Power to detain vessels violating rules.

5. Any vessel entering or navigating the canal contrary to the rules made in that behalf under this Act, by the Chief Commissioner, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained, or both removed and detained, by a Canal Officer, or by any other person duly authorized in that behalf. Act VIII of 1873, s. 49.

The owner of any vessel causing damage to the canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the charge of repairing such damage, or of such removal or detention, as the case may be.

Power to detain vessel on failure to pay tolls or charges.

6. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Canal Officer may seize and detain such vessel and the furniture thereof, until such toll or charge, together with all expenses arising from such seizure and detention, is paid in full. *Ibid*, s. 51.

Power to seize cargo or goods if charges due thereon are not paid.

7. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is not paid on demand to the person authorized to collect the same, the Canal Officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full. *Ibid*, s. 52.

Power to sell property seized under sections 6 and 7.

8. Within a reasonable time after any seizure under section six or section seven, the Canal Officer shall give notice to the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property is detained, unless the claim is discharged before the day so named; *Ibid*, s. 53.

And if such claim is not so discharged, the Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Procedure in respect of vessels abandoned and goods unclaimed.

9. If any vessel is found abandoned in the canal, or any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is or are left unclaimed for a Act VIII of 1873, s. 54.

period of two months, the Canal Officer may take possession of the same.

Power to sell.

The officer so taking possession shall publish a notice, in such manner as the Chief Commissioner may from time to time by rule direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and if such vessel, contents, cargo or goods is or are not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges and all expenses incurred by the Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Canal Officer.

If the Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold and the proceeds to be paid into the district-treasury, there to be held until the right thereto is decided by a Court of competent jurisdiction.

Maintenance of the Canal.

Cf. Act VIII of 1873, s. 6.

Power of Canal Officer to enter on land and remove obstructions, &c.

10. A Canal Officer, empowered generally or specially in this behalf, or any other person acting under the general or special order of such officer, may enter on any land in the neighbourhood of the canal and remove any obstructions, and may close any channels and do any other thing necessary or convenient for the maintenance of the canal.

Act VIII of 1873, s. 14.

Power to enter and survey, &c.

11. Any such officer or other person may, for the purposes of any enquiry relating to any part of the canal under the charge of such officer, enter upon any such lands, and undertake surveys or levels thereon, and dig and bore into the subsoil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for such purposes;

Power to clear land.

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle.

Act VIII of 1873, s. 15.

Power to enter to repair and to prevent accidents.

12. In case of any accident happening or being reasonably apprehended to the canal, any such officer or other person may enter upon any such lands, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Cf. Act VIII of 1873, s. 14, last para.

Compensation for damage caused by entry.

13. In every case of entry under section ten, eleven or twelve, the Canal Officer shall tender to the owner or occupiers of the land compensation for any damage which may be occasioned by such entry and by any proceeding under such section.

In case of dispute as to the sufficiency of the amount so tendered, the Canal Officer shall forthwith refer the same for decision to the Deputy Commissioner, whose decision thereon shall be final.

Obtaining Labour and Materials for Work on the Canal.

Procedure for obtaining labour and materials for works urgently required.

Act VIII of 1873, s. 65: Bom. Act VII of 1879, s. 58: Act XIII of 1877, s. 3.

14. Whenever it appears to a Canal Officer that, unless some work is immediately executed, such serious damage will happen to the canal as will cause sudden and extensive public injury,

and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such damage, such officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(*a*) every able-bodied person whose name appears in the list hereinafter mentioned shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or other person directs, and

(*b*) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of the Canal, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found upon such property, and use the same for the purposes of such work.

Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Deputy Commissioner to prepare list of persons liable to serve.

Act XIII of 1877, s. 4: Bom. Act VII of 1879, s. 59. Cf. Act VIII of 1873, s. 64.

15. Subject to such rules as the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioners of Henthawaddy and Shway-gin shall prepare lists of persons residing in the neighbourhood of the canal in the said districts respectively, and liable to be required under section fourteen to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Payment for labour impressed and materials taken.

Act. XIII of 1877, s. 5. Cf. Act VIII of 1873, s. 65. Bom. Act V of 1879, s. 58.

16. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section fourteen, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the Canal Officer for their labour and detention, or for such materials (as the case may be), at such rates, not being less than the highest market-rates for similar labour or materials for the time being prevailing in the neighbourhood, as the Chief Commissioner from time to time by written order directs.

Compensation for damage done in taking materials.

Act. XIII of 1877, s. 6.

17. Whenever, from the removal of any trees, bamboos or other materials under section fourteen, any damage over and above the price payable for such materials results directly to any person, the Canal Officer shall pay to such person such sum as may be agreed upon as compensation for such damage, or, in case of dispute

as to the amount so to be paid, as the Deputy Commissioner may award.

Offences and Penalties.

Act VIII of 1873, s. 70.

Offences under Act.

18. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say,—

Clause (1).

(1) damages, alters or obstructs the canal;

Clause (2).

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under the canal;

Clause (3).

(3) interferes with or alters the flow of water in any river or stream, so as to endanger or damage the canal or render it less useful;

Clause (5).

(4) corrupts or fouls the water of the canal, so as to render it less fit for the purposes for which it is ordinarily used;

Clause (6).

(5) causes any vessel to enter or navigate the canal contrary to the rules for the time being prescribed by the Chief Commissioner for entering or navigating the canal;

Clause (7).

(6) while navigating the canal, neglects to take proper precautions for the safety of the canal and of vessels thereon;

Clause (9).

(7) being a person liable to labour under section fourteen, neglects without reasonable cause so to labour;

Clause (10).

(8) destroys or moves any land-mark, level-mark or water-gauge fixed by the authority of a Canal Officer;

Clause (11).

(9) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of the canal contrary to rules made under this Act, after he has been desired to desist therefrom;

Clause (12).

(10) violates any rule made under this Act to the breach whereof the penalty specified in this section has been attached,

Penalty.

shall be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to one month, or with both.

Act VIII of 1873, s. 71.

Saving of prosecution under other laws.

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Ibid, s. 50.

Recovery of fines for offences in navigating canals.

19. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel.

Act VIII of 1873, s. 73.

Power to arrest without warrant.

20. Any person duly authorized in this behalf under section three may remove from the lands or buildings belonging to the canal, or may arrest without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who, within his view, commits any of the offences mentioned in clauses (1), (2) and (3) of section eighteen.

Power to make Rules.

Power to make rules.

21. The Chief Commissioner may, subject to the control of the Governor General in Council, from time to time make rules consistent with this Act to regulate the following matters:—

(1) the navigation of the canal;

(2) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(3) the amount of any tolls leviable under this Act, and

(4) generally to carry out the provisions of this Act.

Publication of rules.

The Chief Commissioner may, in making any such rule, attach to the breach of it the penalty specified in section eighteen.

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

Validation of past Proceedings.

Validation of past proceedings.

22. Anything done before this Act comes into force, which might legally have been done if this Act had been in force, shall be deemed to have been legally done.

STATEMENT OF OBJECTS AND REASONS.

THE Pegu and Sittang Navigation Canal, thirty-nine miles in length, connects the waters of the Pegu and Sittang rivers. The chief objects which the Government had in view in its construction were, to shorten the route between Rangoon and Tounghoo and to enable the river-traffic to avoid the extremely dangerous bore on the Sittang. The canal was constructed partly by utilizing for fourteen miles the natural water-bed of the Ka-ya-zoo creek, and partly by digging an artificial channel. The artificial portion was constructed through waste-lands, in which there were no private rights; and such rights as existed formerly along parts of the Ka-ya-zoo creek have all now been acquired by the Government. The bed and banks of the canal throughout its whole course are, therefore, the property of the Government. In constructing the canal, however, certain water-courses formerly used by the public have been closed. For this reason, as also because it is desirable, for the proper regulation of traffic, the collection of dues and the maintenance of the canal, that the Government should have something more than the authority conferred by its position as proprietor to rely upon, it appears necessary to resort to legislation.

The present Bill, which is based on portions of the Northern India Canal and Drainage Act, 1873, has therefore been prepared. It provides (sections 4 to 9) for the levy of tolls on vessels and rafts navigating the canal, and for the regulation of such navigation.

By sections 10 to 13 certain powers over private lands adjacent to the canal are conferred on Canal-officers, who will be thus enabled to do all acts necessary for the maintenance of the canal.

Lastly, in sections 14 to 17, power has been taken, after the manner of the Northern India Canal and Drainage Act, 1873, Chapter VII, and the Burma Embankment Act, 1877, to obtain forced labour where the immediate execution of works is necessary to prevent such serious damage as will cause sudden and extensive public injury.

The other provisions of the Bill are merely subsidiary to these, and do not call for remark.

The 31st August, 1880.

C. U. AITCHISON.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee :—

No. 18 of 1880.

A Bill to enhance the rate of Port-dues leviable at Madras.

Preamble.

WHEREAS it has been determined to construct an artificial harbour for the port of Madras and to defray a portion of the interest on the principal sum expended on the construction of such harbour and of the annual expenses of maintaining the same out of the dues leviable on sea-going vessels of fifteen tons and upwards entering the said port:

And whereas the maximum rate of such dues is fixed by the Indian Ports Act, 1875, section forty-five, and the third part of the first schedule thereto annexed, and the amount of such rate is insufficient to defray such portion of the said interest and expenses in addition to the other charges to meet which the said dues are applicable:

And whereas it is therefore necessary to enhance, to the extent hereinafter mentioned, the maximum rate of dues so leviable;

It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Port-dues Act, 1880"; and

Commencement.

It shall come into force as soon as the said harbour is, in the opinion of the Local Government, open for the use of sea-going vessels of fifteen tons and upwards, and the said Government has published, in the *Fort St. George Gazette*, a notification to that effect.

Amendment of Part III of the first Schedule of Act XII of 1875.

2. In the Indian Ports Act, 1875, first Schedule, Part III, the following amendments shall be made, that is to say :—

(*a*) in the first column the numeral and word "9, Madras" shall be omitted;

(*b*) in the first column, above the heading "*Eastern Group*," the word "Madras" shall be inserted; and

(*c*) opposite the word "Madras" so inserted there shall be inserted—

(1) in the second column the words "sea-going vessels of fifteen tons and upwards"; and

(2) in the third column the words "not exceeding eight 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."

STATEMENT OF OBJECTS AND REASONS.

THE funds requisite for the construction of the artificial harbour at Madras are being advanced by the Government.

It is estimated that the whole cost of the work will amount to Rs. 62,80,000, and it is proposed to raise, by taxation levied on the trade of the port, an annual income sufficient to pay interest at 4 per cent. on this sum, together with Rs. 60,000, the estimated annual charge for maintenance.

Port-dues at the rate of 3 annas (or in the case of coasting vessels 1½ annas) per ton can at present be levied under the Indian Ports Act, 1875, on vessels entering the port, and the simplest mode of raising the requisite income would be by an enhancement of those dues. It is, however, manifest that they could not be enhanced beyond a certain point without injuriously affecting the calling trade of the port, and it has accordingly been determined, after reference to the Madras Chamber of Commerce, that the best course to take will be to raise only a portion of that income in the shape of Port-dues, leaving the rest to be raised by a tax on goods landed and shipped, the precise form of which will be settled hereafter. In accordance with this determination the present Bill has been prepared. It admits of the Port-dues being raised to eight annas per ton, or in the case of vessels employed in the coasting trade and not being steamers to four annas. The additional income which may be obtained by so raising them is estimated at Rs. 1,60,000 per annum.

The Bill is drawn so as not to come into operation till the new harbour is open.

J. GIBBS.

The 1st September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 18, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd September, 1880, and was referred to a Select Committee :—

No. 15 of 1880.

THE PRESIDENCY SMALL CAUSE COURTS BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Commencement.
2. Repeal of Enactments.
   References in previous Acts.
3. Amendment of Acts.
4. "Small Cause Court" defined.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

5. Courts of Small Causes established.
6. Court to be deemed under superintendence of High Court.
7. Appointment, suspension and removal of Judges.

SECTIONS.

8. Rank and precedence of Judges.
9. Delegation of powers of Court to its members.
10. Chief Judge to distribute business of Court.
11. Procedure in case of difference of opinion.
12. Seal to be used.
13. Appointment of ministerial officers.
    Powers and duties of such officers.
14. Judge or other officer not to practise or trade.

CHAPTER III.

JURISDICTION IN RESPECT OF SUITS.

15. Local limits of jurisdiction of Court.
16. Suits in which Court has jurisdiction.
17. Suits in which Court has no jurisdiction.
18. Court may by consent try suits beyond pecuniary limits of jurisdiction.
19. Suits by and against officers of Court.
    Costs in suits in High Court for certain wrongs committed by officers of Small Cause Court.
20. Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.
    Proviso.

CHAPTER IV.

PROCEDURE IN SUITS.

21. Portions of Civil Procedure Code extending to the Court.
22. No written statement except in cases of set-off.
23. Judgments and orders of Court final.
    Power to order new trial.
24. Execution of decree of Small Cause Court by other Courts.
    Procedure when decree transferred.

SECTIONS.

25. Discharge of arrested judgment-debtor on sufficient security.
26. Court may in certain cases suspend execution of decree.
27. Compensation payable by plaintiff to defendant in certain cases.

CHAPTER V.

JURISDICTION WITH REGARD TO THE RECOVERY OR POSSESSION OF IMMOVEABLE PROPERTY.

28. Summons against person occupying property without leave.
29. Service of summons.
30. Order for possession.
31. Such order to justify bailiff entering on property and giving possession.
Bar to proceedings against Judge or officer for issuing, &c., order or summons.
32. Applicant if entitled to possession not to be deemed trespasser for any error in proceedings;
Occupant may sue for compensation.
33. Liability of applicant obtaining order when not entitled.
Application for order in such case an act of trespass.
34. Stay of proceedings on occupant giving security to bring a suit against the applicant.
35. Proceedings to be regulated by the Code of Civil Procedure.
Applications by paupers.
36. Recovery of possession no bar to suit to try title.

CHAPTER VI.

INSOLVENCY JURISDICTION.

37. Power to entertain certain applications under Chapter XX of Civil Procedure Code.
38. And certain other applications by non-trading debtors.
39. Official assignee under 11 & 12 Vic., c. 21, to be received in cases under this chapter.
40. Appeal to the High Court from orders under sections 351, 352, 353 and 357 of Code.
41. Bar of jurisdiction of High Court in cases falling under this chapter.

CHAPTER VII.

TESTAMENTARY AND INTESTATE JURISDICTION.

42. Local limits of jurisdiction of Court to be deemed a District and Court to be deemed a District Judge under Acts X of 1865 and XXI of 1870.
43. Application to be conclusive as to jurisdiction.
44. Procedure in cases under this chapter.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

45. Reference when compulsory.
46. Security to be furnished on such reference by party against whom contingent judgment given.
If no such security given, party to be deemed to have submitted to judgment.

SECTIONS.

CHAPTER IX.

FEES AND COSTS.

47. Institution-fee.
48. Fees for processes.
49. Repayment of half fees on settlement before hearing.
50. Fees and costs of poor persons.
51. Power to Local Government to vary fees.
52. Fees in respect of proceedings under chapters VI and VII.
53. Expense of employing legal practitioners.
54. Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

CHAPTER X.

MISCONDUCT OF MINISTERIAL OFFICERS.

55. Power to fine officers.
56. Default of bailiff or other officer in execution of order or warrant.
57. Extortion or default of officers.
58. Court empowered to summon witnesses, &c.
59. Enforcement of order.

CHAPTER XI.

CONTEMPT OF COURT.

60. Procedure of Court in certain cases of contempt.
61. Record in such cases.
62. Procedure where Court considers that the case should not be dealt with under section 60.
63. Discharge of offender on submission or apology.
64. Imprisonment or committal of person refusing to answer or produce document.
65. Appeal from orders under sections 60 and 64.

CHAPTER XII.

MISCELLANEOUS.

66. Questions arising in suits, &c., under Act to be decided according to law administered by High Court.
67. Persons by whom process may be served.
68. Registers and returns.
69. Court to furnish records, &c., called for by Local Government or High Court.
70. Holidays and vacations.
71. Certain persons exempt from arrest by Court.
72. No suit to lie upon decree of Court.
73. Place of imprisonment.
74. Tender in suit for anything done under Act.
75. Limitation of prosecutions.

SCHEDULE I.—ENACTMENTS REPEALED.

SCHEDULE II.—PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

SCHEDULE III.—PERSONS EXCLUDED FROM INSOLVENCY-JURISDICTION OF COURT.

SCHEDULE IV.—FEES FOR SUMMONSES AND OTHER PROCESSES.

A Bill to consolidate and amend the law relating to the Courts of Small Causes established in the Presidency-towns.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Courts of Small Causes established in the towns of Calcutta, Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Commencement.

1. This Act may be called "The Presidency Small Cause Courts Act, 1881"; and it shall come into force on the first day of July, 1881.

But nothing herein contained shall affect the provisions of the Army Discipline and Regulation Act, 1879, section 144.

Repeal of enactments.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule hereto annexed shall be repealed to the extent mentioned therein.

But all Courts constituted and appointments made under any of the said enactments shall, as far as may be, be deemed to have been respectively constituted and made under this Act.

References in previous Acts.

All references to any enactment hereby repealed made in Acts passed prior to the day on which this Act comes into force, shall be read, so far as may be practicable, as if made to this Act or the corresponding provisions hereof.

For references, see Act V of 1871, s. 14; Act XVIII of 1872, s. 3.

Amendment of Acts.

3. In Act No. XXIII of 1850 *(for securing the Land-Revenue of Calcutta)*, section 3, the words "as provided by the said Act" shall be repealed; and for each of the expressions "a Commissioner of the Court for the recovery of small debts referred to in the said Act," and "the said Commissioners", the words "the Judges of the Court of Small Causes at Calcutta" shall be substituted.

In the Code of Civil Procedure, section 8, after the word and figures "Chapter XXXIX", the words and figures "and by the Presidency Small Cause Courts Act, 1881" shall be inserted.

'Small Cause Court' defined.

4. In this Act, "the Small Cause Court" means the Court of Small Causes constituted under this Act in the town of Calcutta, Madras or Bombay, as the case may be.

CHAPTER II.

CONSTITUTION AND OFFICERS OF THE COURT.

Courts of Small Causes established.

5. There shall be in each of the towns of Calcutta, Madras and Bombay a Court to be called the Court of Small Causes of Calcutta, Madras or Bombay, as the case may be.

New. See 8 Bom. H. C. Rep. (O. C. J.) 59 & sec. 652 of Act X of 1877.

Court to be deemed under superintendence of High Court.

6. The Small Cause Court shall be deemed to be a Court subject to the superintendence of the High Court of Judicature at Fort William, Madras or Bombay, as the case may be, within the meaning of the Letters Patent, respectively dated the 28th day of December, 1865, for such High Courts and within the meaning of the Code of Civil Procedure.

Appointment, suspension and removal of Judges.

7. Subject to the control of the Governor General in Council, the Local Government may, from time to time, by notification in the official Gazette, appoint so many persons as it thinks fit to be Judges of the Small Cause Court, of whom one at least shall be a Barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland. See Act XXVI of 1864, s. 12; Act IX of 1850, s. 8.

The Local Government may, by a like notification, suspend and, with the previous sanction of the Governor General in Council, remove any Judge so appointed. Act IX of 1850, s. 10.

Rank and precedence of Judges.

8. The senior in appointment of the Judges who are Barristers or Advocates shall be called the Chief Judge, and shall be the first of the Judges in rank and precedence. See Act XXVI of 1864, s. 14.

The other Judges shall have rank and precedence according to the seniority of their appointment as such Judges: provided that a Judge permanently appointed shall be deemed senior to an officiating Judge. Act XVII of 1877, s. 6.

Delegation of powers of Court to its members.

9. Except as herein or by any other law for the time being in force otherwise provided, the Small Cause Court may, with the previous sanction of the High Court, make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any powers conferred on the Small Cause Court by this Act or by any other law for the time being in force. Act XVII of 1877, s. 119. (Cf. Act IX of 1850, s. 23.)

Chief Judge to distribute business of Court.

10. Subject to such rules, the Chief Judge may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof. Act XXVI of 1864, s. 14.

Procedure in case of difference of opinion.

11. Save as hereinafter otherwise provided, when two or more of the Judges sitting together differ on any question the opinion of the majority shall prevail; and if the Court is equally divided, the Chief Judge, if he is one of the Judges so differing, or in his absence the senior Judge so differing, shall have the casting voice. Act XI of 1865, s. 33.

Seal to be used.

12. The Small Cause Court shall use a seal of such form and dimensions as are for the time being prescribed by the Local Government. Act XVII of 1875, s. 10 (b). (Cf. Act IX of 1850, s. 24.)

Appointment of ministerial officers.

13. The Small Cause Court may, from time to time, appoint a chief clerk and, subject to the control of the Local Government, as many additional clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and duties conferred and imposed on it by this Act or any other law for the time being in force. Act IX of 1850, ss. 13-15.

Powers and duties of such officers.

The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Small Cause Court (subject to the control of the High Court) may, from time to time, by rules to be made in this behalf, direct. Cf. Act IX of 1850, ss. 14-16. Act XVII of 1877, s. 23.

Act XVII of 1875, s. 70.

The Small Cause Court may suspend or remove any officer so appointed; but the removal of any officer drawing a monthly salary of one hundred rupees or upwards shall be subject to the orders of the Local Government.

Act IX of 1850, ss. 9 and 17.

Judge or other officer not to practise or trade.

14. No Judge or other officer appointed under this Act shall, during his continuance as such Judge or officer, either by himself or as a partner of any other person, practise or act, either directly or indirectly, as an Advocate, Attorney, Vakil or other legal practitioner, or be concerned, either on his own account or for any other person, or as the partner of any other person, in any trade or profession.

Any such Judge or officer so practising, acting or concerned shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Provided that nothing herein contained shall be deemed to prohibit any such Judge or officer from being a member of any company incorporated or registered under Royal Charter, Letters Patent, Act of Parliament or Act of any British Indian Legislature.

CHAPTER III.

JURISDICTION IN RESPECT OF SUITS.

Act IX of 1850, s. 5.

Local limits of jurisdiction of Court.

15. The local limits of the jurisdiction of each of the Small Cause Courts shall be the local limits for the time being of the ordinary original civil jurisdiction of the High Court.

Act IX of 1850, ss. 25 and 32. Cf. Act X of 1877, s. 11.

Suits in which Court has jurisdiction.

16. Subject to the exceptions in section seventeen, the Small Cause Court shall have jurisdiction to try all suits of a civil nature:

19 & 20 Vic., c. 106, s. 24. Cf. 18.

Provided that the amount or value of the subject-matter does not exceed two thousand rupees:

Letters Patent of 1865, s. 12.

Provided also that the cause of action has arisen either wholly, or, in case the leave of the Small Cause Court has been first obtained, in part, within the local limits of its jurisdiction, or that the defendant, at the time of the commencement of the suit, dwells, or carries on business, or personally works for gain, within such limits.

Explanation.—When in any suit the sum claimed is, by an admitted set-off of any sum claimed by the defendant from the plaintiff, reduced to a balance not exceeding two thousand rupees, the Small Cause Court shall have jurisdiction to try such suit.

Act IX of 1850, s. 25.

Suits in which Court has no jurisdiction.

17. The Small Cause Court shall have no jurisdiction—

See 5 Bom. H. C. Rep. (O. C. J.) 1.

(*a*) in suits concerning the assessment or collection of the revenue;

(*b*) in suits against the Secretary of State for India in Council;

(*c*) in suits concerning any act ordered or done by the Governor General in Council or the Local Government, or by the Governor General or a Governor, or by any Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or by any person by order of the Governor General in Council or Local Government;

(*d*) in suits concerning any act ordered or done by any Judge or judicial officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court of any such Judge or judicial officer;

(*e*) in the suits specified in section sixteen, clauses (*a*) to (*d*) of the Code of Civil Procedure;

(*f*) in suits for the specific performance or the rescission of contracts relating to any right to or interest in immoveable property;

(*g*) in suits for an account of property and its due administration under the decree of the Court;

(*h*) in suits for damages for libel or slander, adultery or breach of promise of marriage;

(*i*) in suits for the restitution of conjugal rights;

(*j*) in suits to enforce a trust;

(*k*) in suits to obtain an injunction;

(*l*) in suits on any judgment of a High Court; 19 & 20 Vic., c. 108, s. 27.

(*m*) in suits the cognizance whereof by the Small Cause Court is barred by any law for the time being in force.

Act XXVI of 1864, s. 3.

Court may by consent try suits beyond pecuniary limits of jurisdiction.

18. When the parties to a suit which, if the amount or value of the subject-matter thereof did not exceed two thousand rupees, would be cognizable by the Small Cause Court, have entered into an agreement in writing that the Small Cause Court shall have jurisdiction to try such suit, the Court shall have jurisdiction to try the same, although the amount or value of the subject-matter thereof may exceed two thousand rupees.

Every such agreement shall be filed in the Small Cause Court, and when so filed, the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by its decision in such suit.

Act IX of 1850, s. 100.

Suits by and against officers of Court.

19. All suits to which an officer of the Small Cause Court is a party, except suits in respect of claims to property taken in execution of its process, or the proceeds or value thereof, may be brought in the High Court at the election of the plaintiff as if this Act had not been passed.

Act IX of 1850, s. 102.

Costs in suits in High Court for certain wrongs committed by officers of Small Cause Court.

If any suit cognizable by the Small Cause Court is instituted in the High Court in respect of any wrong committed by an officer of the Small Cause Court under colour of its process, and the plaintiff obtains no greater damages than the sum of two thousand rupees, no costs shall be allowed him unless the Judge who tries the case certifies in writing that the suit was a fit one to be instituted in the High Court.

Act IX of 1850, s. 101; Act XXVI of 1864, s. 9.

Costs when plaintiff sues in High Court in other cases cognizable by Small Cause Court.

20. If any suit cognizable by the Small Cause Court other than the suits mentioned in section nineteen is instituted in the High Court, and if in such suit the plaintiff obtains a decree, in the case of a suit founded on contract for an amount or value of less than two thousand rupees, and in the case of any other suit for an amount or value of less than three hundred rupees,

no costs shall be allowed to the plaintiff;

and if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client:

Proviso.

Provided that the foregoing rules shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court for any of the following reasons (that is to say):—

(*a*) because of the difficulty, novelty or general importance thereof, or of some erroneous course of decisions in like cases in the Small Cause Court; or

(*b*) because of there being any question to be determined in such suit, upon which question claims or demands exceeding in aggregate value or amount two thousand rupees are dependent; or

(*c*) because of the suit depending upon the title to immoveable property exceeding in value two thousand rupees.

CHAPTER IV.

PROCEDURE IN SUITS.

Portions of Civil Procedure Code extending to the Court.

21. The chapters and sections of the Code of Civil Procedure specified in the second schedule hereto annexed shall extend (so far as they are applicable) to the Small Cause Court; and the procedure prescribed thereby shall be the procedure followed in the Court in all suits cognizable by it, except where such procedure is inconsistent with the procedure prescribed by any specific provisions of this Act.

No written statement except in cases of set-off.

(Cf. Act XI of 1865, s. 20.)

22. Except in cases of set-off under the Code of Civil Procedure, section 111, no written statement shall be received unless required by the Court.

Judgments and orders of Court final. Power to order new trial.

23. Save as is hereinafter specially provided, every decree and order of the Small Cause Court in a suit shall be final and conclusive between the parties; but the Court may, on application of either party, made within eight days from the date of the decree or order in any suit, order a new trial to be held upon such terms as it thinks reasonable, and may in the meantime stay the proceedings:

Act IX of 1850, s. 53.

Provided that the applicant at the time of making the application pays into court the amount, if any, payable by him under such decree or order.

Execution of decree of Small Cause Court by other Courts.

24. If the judgment-debtor under any decree of the Small Cause Court has not within the local limits of its jurisdiction moveable property sufficient to satisfy the decree, the Court may, on the application of the decree-holder, send the decree for execution—

(*a*) in the case of execution against immoveable property situate within such local limits—to the High Court;

(*b*) in all other cases—to any Civil Court within whose general jurisdiction such judgment-debtor, or any moveable or immoveable property of such judgment-debtor, may be found.

Procedure when decree transferred.

The procedure prescribed by the Code of Civil Procedure for the execution of decrees by Courts other than those which made them shall be the procedure followed in such cases.

Act IX of 1850, s. 66.

Discharge of arrested judgment-debtor on sufficient security.

25. Whenever any judgment-debtor who has been arrested in execution of a decree of the Small Cause Court offers security to the satisfaction of such Court for payment of the amount which he has been ordered to pay and the costs, the Court may order him to be discharged.

Act IX of 1850, s. 71. (see I.L. R. 5 Calc., p. 294.)

Court may in certain cases suspend execution of decree.

26. Whenever it appears to the Small Cause Court that any judgment-debtor under its decree is unable, from sickness or other sufficient cause, to pay the amount of the decree, or, if such Court has ordered the same to be paid in instalments, the amount of any instalment thereof, it may, from time to time for such time and upon such terms as it thinks fit, suspend the execution of such decree.

Act IX of 1850, s. 42.

Compensation payable by plaintiff to defendant in certain cases.

27. In any suit in which the defendant appears and does not admit the claim, and the suit is dismissed, the Small Cause Court may order the plaintiff to pay to the defendant by way of satisfaction for his trouble and attendance, such sum as it, in its discretion, thinks fit. Any such order may, in default of payment of the amount payable thereunder, be enforced by the defendant against the plaintiff as if the same were a decree of the Court.

CHAPTER V.

JURISDICTION WITH REGARD TO THE RECOVERY OR POSSESSION OF IMMOVEABLE PROPERTY.

Act IX of 1850, s. 91. 19 & 20 Vic., c. 108, s. 50.

Summons against person occupying property without leave.

28. When any person has had possession of any immoveable property situate within the local limits of the Small Cause Court's jurisdiction and of which the annual value at a rack-rent does not exceed one thousand rupees, as the tenant, or by permission, of another person, or of some person through whom such other person claims;

and such tenancy or permission has been determined or been withdrawn;

and such tenant or occupier or any person holding under or by assignment from him (hereinafter called the occupant) refuses to deliver up such property in compliance with a request made to him in this behalf by such other person,

such other person (hereinafter called the applicant) may apply to the Small Cause Court for a summons against the occupant, calling upon him to show cause, on a day therein appointed, why he should not be compelled to deliver up the property.

Act IX of 1850, s. 94.

Service of summons.

29. The summons shall be served on the occupant in the manner provided by the Code of Civil Procedure for the service of a summons on a defendant.

Act IX of 1850, ss. 92, 93. 19 & 20 Vic., c. 108, s. 50.

Order for possession.

30. If the occupant does not appear at the time appointed, and show cause to the contrary, the applicant shall, if the Small Cause Court is satisfied that he is entitled to apply under section twenty-eight, be entitled to an order addressed to a bailiff of the Court directing him to give possession of the property to the applicant on such day as the Court may think fit to name in such order.

Explanation.—If the occupant proves that the tenancy was created or permission granted by virtue of a title which determined previous to the date of the application, he shall be deemed to have shown cause within the meaning of this section.

Act IX of 1850, s. 93.

Such order to justify bailiff entering on property and giving possession.

31. Any such order shall justify the bailiff to whom it is addressed in entering after the hour of six in the morning and before the hour of six in the afternoon upon the property named therein, with such assistants as he thinks necessary, and giving possession of such property to the applicant:

Act IX of 1850, s. 95.

Bar to proceedings against Judge or officer for issuing, &c., order or summons.

and no suit or prosecution shall be maintainable against any Judge or officer of the Small Cause Court by whom any such order as aforesaid was issued, or against any bailiff or other person by whom the same was executed, or by whom any such summons as aforesaid was served for the issue, execution or service of any such order or summons, by reason only that the applicant was not entitled to the possession of the property.

Act IX of 1850, s. 96.

Applicant, if entitled to possession, not t be deemed trespasses for any error in proceedings;

32. When the applicant, at the time of applying for any such order as aforesaid, was entitled to the possession of such property, neither he nor any person acting in his behalf shall be deemed, on account of any error, defect or irregularity in the mode of proceeding to obtain possession thereunder, to be a trespasser; but any person aggrieved may bring a suit for the recovery of compensation for any damage which he has sustained by reason of such error, defect or irregularity:

Occupant may sue for compensation.

Provided that, when no such damage is proved, the suit shall be dismissed; and that, in any case in which such damage is proved but the amount of the compensation assessed by the Court does not exceed ten rupees, the Court shall award to the plaintiff no more costs than compensation, unless the Judge who tries the same certifies that in his opinion full costs should be awarded to the plaintiff.

Act IX of 1850, s. 98.

Liability of applicant obtaining order when not entitled.

33. Nothing herein contained shall be deemed to protect any applicant obtaining possession of any property under this chapter from a suit by any person deeming himself aggrieved thereby, when such applicant was not at the time of applying for such order as aforesaid entitled to the possession of such property.

Act IX of 1850, s. 97.

Application for order in such case an act of trespass.

And when the applicant was not, at the time of applying for any such order as aforesaid, entitled to the possession of such property, the issue of any such order, though no possession is taken thereunder, shall be deemed to be an act of trespass committed by the applicant against the occupant.

Act IX of 1850, s. 97.

Stay of proceedings on occupant giving security to bring a suit against the applicant.

34. Whenever on an application being made under this chapter the occupant binds himself, with two sureties, in a bond for such amount as the Small Cause Court thinks reasonable, having regard to the value of the property and the probable costs of the suit next hereinafter mentioned, to institute without delay a suit in the High Court for compensation for trespass against the applicant, and to pay all the costs of such suit in case he does not prosecute the same or in case judgment therein is given for the applicant, the Small Cause Court shall stay the proceedings on such application until such suit is disposed of.

If the occupant obtains a decree in any such suit against the applicant, such decree shall supersede the order (if any) made under section thirty.

New.

Proceedings to be regulated by the Code of Civil Procedure.

35. In all proceedings under this chapter, the Small Cause Court shall, as far as may be, and except as herein otherwise provided, follow the procedure prescribed for a Court of first instance by the Code of Civil Procedure.

Applications by paupers.

Applications under this chapter may be made by paupers in accordance with the provisions of chapter XXVI of the said Code, as if such applications were suits by paupers within the meaning of the said chapter.

Act IX of 1850, s. 98.

Recovery of possession no bar to suit to try title.

36. Recovery of the possession of any immoveable property under this chapter shall be no bar to the institution of a suit in the High Court for trying the title thereto.

CHAPTER VI.

INSOLVENCY JURISDICTION.

Power to entertain certain applications under Chapter XX of Civil Procedure Code.

37. The Small Cause Court shall have power to entertain applications for declarations of insolvency under the provisions of chapter XX of the Code of Civil Procedure in respect of all judgment-debtors who reside, or are in custody, within the local limits of its jurisdiction and do not carry on any trade or business comprised in the third schedule hereto annexed.

And certain other applications by non-trading debtors.

38. In addition to the cases specified in section thirty-seven, any person who is in insolvent circumstances and who resides within the local limits of the jurisdiction of the Small Cause Court and does not carry on any trade or business comprised in the said schedule may apply to the Court to be declared insolvent.

All the provisions of the said chapter relating to applications by judgment-debtors shall apply, so far as the same may be applicable, *mutatis mutandis*, to applications by such persons.

Official assignee under 11 & 12 Vic., c. 21, to be Receiver in cases under this chapter.

39. The person for the time being appointed under the 11th & 12th of Victoria, chapter twenty-one, section fourteen, to be the official assignee under the said Statute, shall in all cases over which jurisdiction is conferred on the Small Cause Court by this chapter be the Receiver for the purposes of chapter XX of the Code of Civil Procedure, and may retain as a remuneration for the performance of his duties as such Receiver the commission which may be allowed to a Receiver under that chapter.

Appeal to the High Court from orders under sections 351, 352, 353 and 357 of Code.

40. An appeal shall lie to the High Court from all orders of the Small Cause Court passed under sections 351, 352, 353 and 357 of the same Code in exercise of the jurisdiction conferred by this chapter.

The procedure prescribed by section 590 of the same Code for appeals from orders shall, so far as may be, apply to such appeals.

Bar of jurisdiction of High Court in cases falling under this chapter.

41. Notwithstanding anything to the contrary contained in the 11th & 12th of Victoria, chapter twenty-one, the High Court shall not entertain any application for a declaration of insolvency in cases in which such application might be made under this Act.

But the High Court may in its discretion, on the application of any person concerned, direct that in any case under this chapter which but for this Act would have been cognizable by it under the said Statute, the proceedings in the Small Cause Court shall be closed; and thereupon any person entitled to present a petition under the said Statute may present the same as if this Act had not been passed.

CHAPTER VII.

TESTAMENTARY AND INTESTATE JURISDICTION.

Local limits of jurisdiction of Court to be deemed a District and Court to be deemed a District Judge under Acts X of 1865 and XXI of 1870.

42. The local limits of the jurisdiction of the Small Cause Court shall be deemed a District, and the Court shall be deemed a District Judge, within the meaning of the Indian Succession Act, 1865, and the Hindú Wills Act, 1870, for the purpose of granting probate and letters of administration in cases in which the assets of the deceased person, exclusive of trust-property, but without deducting debts owing by him, are less than one thousand rupees.

Every application for probate or letters of administration under this section shall state the amount of the said assets to the best of the applicant's knowledge or belief.

20 & 21 Vic., c. 77, s. 57.

Application to be conclusive as to jurisdiction.

43. The application for probate or letters of administration if made and verified in manner mentioned in the Indian Succession Act, 1865, shall be conclusive for the purpose of authorizing the grant of probate or letters of administration; and no such grant shall be impeached by reason that the assets of the deceased person, exclusive of trust-property, but without deducting debts owing by the deceased, did in fact exceed one thousand rupees, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Procedure in cases under this chapter.

44. The procedure of the Small Cause Court under this chapter shall be, as far as may be practicable, in accordance with the procedure prescribed for the District Judge by the said Acts respectively.

Every order made by the Small Cause Court under this chapter shall have the same effect and be subject to the like appeal as an order made by the District Judge under the said Acts respectively.

And all the provisions of the said Acts respectively relating to the grant and revoking of probate or letters of administration shall, *mutatis mutandis*, apply to the grant and revoking of probate or letters of administration under this chapter.

CHAPTER VIII.

REFERENCES TO HIGH COURT.

Reference when compulsory.

45. If two or more Judges of the Small Cause Court, sit together in any suit, or in any proceeding under chapter V of this Act, and differ in their opinion as to any question of law or usage having the force of law, or the construction of a document, which construction may affect the merits, Act XI of 1865, s. 32.

or if in any suit or any such proceeding, in which the amount or value of the subject-matter exceeds five hundred rupees, any such question arises, and either party so requires, Act XXVI of 1864, s. 7.

the Small Cause Court shall draw up a statement of the facts of the case, and refer such statement, under section 617 of the Code of Civil Procedure, for the opinion of the High Court, and shall either reserve judgment or give judgment contingent upon such opinion. (Ordinary references provided for by Ch. XLVI, C. P. Code.)

Security to be furnished on such reference by party against whom contingent judgment given.

46. When judgment is given under section forty-five contingent upon the opinion of the High Court, the party against whom such judgment is given shall at once furnish security, to be approved by the Small Cause Court, for the costs of the reference to the High Court and for the amount of such judgment: Act XXVI of 1864, s. 8. Act XXVI of 1864, s. 8. See 14 B. L. R., p. 182.

Provided that no security for the amount of such judgment shall be required in any case in which the Judge who tried the case has ordered such amount to be paid into court, and the same has been paid accordingly.

If no such security given, party to be deemed to have submitted to judgment.

Unless such security as aforesaid is at once furnished, the party against whom such contingent judgment has been given shall be deemed to have submitted to the same. Act IX of 1880, ss. 19 & 20: Act XXVI of 1864, s. 11.

CHAPTER IX.

FEES AND COSTS.

Institution-fee.

47. A fee not exceeding—

(*a*) when the amount or value of the subject-matter does not exceed five hundred rupees, the sum of two annas in the rupee on such amount or value,

(*b*) when the amount or value of the subject-matter exceeds five hundred rupees, the sum of one anna in the rupee on such amount or value,

shall be paid on the institution of every suit or every proceeding under chapter V of this Act; and no plaint or application shall be received in any such suit or proceeding until such fee has been paid.

Fees for processes.

48. The fees specified in the third and fourth columns of the fourth Schedule hereto annexed shall be paid previous to the issue in any such suit or proceeding of the processes to which the said columns respectively relate by the persons on whose behalf such processes are issued, when the amount or value of the subject-matter exceeds the sum specified in Act IX of 1850, ss. 19 & 20: Act XXVI of 1864, s. 11

the first column, but does not exceed the sum specified in the second column of the said Schedule.

Act IX of 1850, s. 20.

Repayment of half fees on settlement before hearing.

49. Whenever any such suit or proceeding is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the Small Cause Court to the parties by whom the same have been respectively paid.

Act IX of 1850, s. 20.

Fees and costs of poor persons.

50. The Small Cause Court may, whenever it thinks fit, receive and register applications under chapter V of this Act presented by poor persons without payment of the fee mentioned in section forty-seven, or on a part-payment of such fee.

Act IX of 1850, s. 21.

Power to Local Government to vary fees.

51. The Local Government may, from time to time, by notification in the official Gazette, vary the amount of the fees payable under section forty-seven or section forty-eight:

Provided that the amount of such fees shall in no case exceed the amount prescribed by the said sections.

Fees in respect of proceedings under chapters VI and VII.

52. The fees chargeable under the Court Fees Act, 1870, in a District Court in respect of proceedings under chapter XX of the Code of Civil Procedure shall be levied in respect of all proceedings in the Small Cause Court under chapter VI of this Act, and the fees so chargeable in respect of proceedings relating to the grant of probate or letters of administration under the Indian Succession Act, 1865, or the Hindú Wills Act, 1870, shall be levied in respect of all proceedings in the Small Cause Court under chapter VII of this Act.

Act XXVI of 1864, s. 13.

Expense of employing legal practitioners.

53. The expense of employing an advocate, vakíl, attorney or other legal practitioner incurred by any party, shall not be allowed as costs in any suit or in any proceeding under chapter V of this Act, in the Small Cause Court, unless the Court is of opinion that the employment of such practitioner was under the circumstances reasonable.

The Small Cause Court may from time to time by general rules determine the cases in which such expenses shall be allowed.

Sections 3, 5 and 25 of Court Fees Act, 1870, saved.

54. Nothing contained in this chapter shall affect the provisions of section 3, 5 and 25 of the Court Fees Act, 1870.

CHAPTER X.

MISCONDUCT OF MINISTERIAL OFFICERS.

Act XVII of 1875, s. 70: Act XVII of 1877, s. 36: Act IX of 1850, s. 86.

Power to fine officers.

55. The Small Cause Court may, by order, fine, in an amount not exceeding one month's salary, any clerk, bailiff or other ministerial officer of the Court who is guilty of misconduct or neglect in the performance of the duties of his office, and such fine may be deducted from his salary.

Act IX of 1850, s. 85.

Default of bailiff or other officer in execution of order or warrant.

56. If any clerk, bailiff or other ministerial officer of the Small Cause Court, who is employed as such in the execution of any order or warrant, loses, by neglect, connivance or omission, an opportunity of executing such order or warrant, he shall be liable, by order of the Small Cause Court, on the application of the person injured by such neglect, connivance or omission, to pay such sum, not exceeding in any case the sum for which the said order or warrant was issued, as in the opinion of the Court represents the amount of the damage sustained by such person thereby.

Act IX of 1850, s. 86.

Extortion or default of officers.

57. If any clerk, bailiff or other ministerial officer of the Small Cause Court is charged with extortion or misconduct while acting under colour of its process, or with not duly paying or accounting for any money levied by him under its authority, the Court may inquire into such charge, and may make such order for the repayment or payment of any money so extorted, or of any money so levied as aforesaid, and of damages and costs, by such officer, as it thinks fit.

Court empowered to summon witnesses, &c.

58. For the purposes of any inquiry under this chapter, the Small Cause Court shall have all the powers of summoning and enforcing the attendance of witnesses and compelling the production of documents which it possesses in suits under this Act.

Act IX of 1850, s. 85.

Enforcement of order.

59. Any order under this chapter for the payment or repayment of money may, in default of payment of the amount payable thereunder, be enforced by the person to whom such amount is payable, as if the same were a decree of the Small Cause Court in his favour.

CHAPTER XI.

CONTEMPT OF COURT.

Act X of 1872, s. 435: Act IV of 1877, s. 205. Cf. also draft Code of Criminal Procedure, s. 480.

Procedure of Court in certain cases of contempt.

60. When any such offence as is described in section 175, 178, 179, 180 or 228 of the Indian Penal Code is committed in the view or presence of the Small Cause Court, the Court may cause the offender to be detained in custody; and, at any time before the rising of the Court on the same day, may, if it thinks fit, take cognizance of the offence, and sentence the offender to fine not exceeding two hundred rupees, and in default of payment to imprisonment in the civil Jail for a term which may extend to one month unless such fine is sooner paid.

Record in such cases.

61. In every such case the Court shall record the facts constituting the offence, the statement (if any) made by the offender, and the finding and sentence. If the offence is under section 228 of the Indian Penal Code, the record must show the nature and stage of the judicial proceeding in which the Court when interrupted or insulted was sitting, and the nature of the interruption or insult offered.

Act X of 1872, s. 436: Act IV of 1877, s. 206. Cf. draft Code of Criminal Procedure, s. 483.

Procedure where Court considers that the case should not be dealt with under section 60.

62. If the Court considers that a person accused of any of the offences referred to in section sixty and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or if the Court is for any other reason of opinion that the case should not be disposed of under section sixty,

the Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Presidency Magistrate, and may require security to be given for the appearance of such accused person before such Magistrate, or, if sufficient security is not given, may forward him under custody to such Magistrate.

Such Magistrate shall deal with the accused person in the manner provided by the Presidency Magistrates Act, 1877; and may sentence the offender to punishment, as provided in the section of the Indian Penal Code under which he is charged.

Act X of 1872, s. 437: Act IV of 1877, s. 207. Cf. draft Code of Criminal Procedure, s. 484.

Discharge of offender on submission or apology.

63. When the Court has, under section sixty or section sixty-two, sentenced an offender to punishment, or forwarded him to a Presidency Magistrate for trial, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may in its discretion discharge the offender, or remit the punishment on his submission to the order or requisition of the Court, or on apology being made to its satisfaction.

Act X of 1872, ss. 356-364: Act. X of 1875, s. 89: Act IV of 1877, s. 141. Cf. draft Code of Criminal Procedure, s. 485. (Also see Act IX of 1850, s. 49.)

Imprisonment or committal of person refusing to answer or produce document.

64. If any witness before the Small Cause Court refuses to answer such questions as are 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 reasonable excuse for such refusal, the Court may sentence him to simple imprisonment, or commit him to the custody of an officer of the Court, for any term not exceeding seven days, unless in the meantime such person consents to answer or to produce such document, as the case may be, after which, in the event of his persisting in his refusal, he may be dealt with according to the provisions of section sixty or sixty-two.

Draft Code of Criminal Procedure, s. 287.

Appeal from orders under sections 60 and 64.

65. Any person deeming himself aggrieved by an order under section sixty or section sixty-four may appeal to the High Court, and the provisions of the Presidency Magistrates Act, 1877, relating to appeals, shall, so far as may be, apply to appeals under this section.

CHAPTER XII.

MISCELLANEOUS.

Cf. Act XVII of 1875. See s. 37 of Act IX of 1850.

Questions arising in suits, &c., under Act to be decided according to law administered by High Court.

66. All questions other than questions relating to procedure or practice which arise in suits or other proceedings under this Act in the Small Cause Court 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.

Act X of 1877, s. 636.

Persons by whom process may be served.

67. Notices to produce documents, summonses to witnesses, and all other processes issued in the exercise of any jurisdiction conferred on the Small Cause Court by this Act, except summonses to defendants and writs of execution, may, if the Court by general or special order so directs, be served by the attorneys in the suit, or by persons employed by them in this behalf, or by such other persons as the Court, from time to time, by rule or order, directs.

Act XVII of 1875, s. 69.

Registers and returns.

68. The Small Cause Court shall keep such registers, books and accounts, and submit to the High Court such statements and returns, as may, subject to the approval of the Local Government, be prescribed by the High Court.

Act XI of 1865, s. 53. Letters Patent, s. 43.

Court to furnish records, &c., called for by Local Government or High Court.

69. The Small Cause Court shall comply with such requisitions as may from time to time be made by the Local Government or High Court for records, returns and statements in such form and manner as such Government or Court, as the case may be, thinks fit.

Act XVII of 1875, s. 71. (Cf. Act IX of 1850, s. 23.)

Holidays and vacations.

70. The Small Cause Court shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

Such list, when it has received such approval, shall be published in the local official Gazette, and the said holidays and vacations shall be observed accordingly.

Act IX of 1850, s. 85.

Certain persons exempt from arrest by Court.

71. The Governor General and Members of his Council, the Governors of Fort St. George and Bombay and the members of their respective Councils, the Lieutenant-Governor of Bengal, and the Chief Justices and Judges of the High Courts established under the 24th & 25th of Victoria, chapter 104, shall not be liable to arrest by order of any Court constituted under this Act.

I. L. R. 5, Calc., p. 294.

No suit to lie upon decree of Court.

72. No suit shall lie on any decree of the Small Cause Court.

Place of imprisonment.

73. Any person ordered by the Small Cause Court to be imprisoned may be imprisoned in such place as the Local Government, from time to time, appoints in this behalf.

Act IX of 1850, s. 111.

Tender in suit for anything done under Act.

74. If any person against whom any suit is brought for anything purporting to be done by him under this Act, has, before the institution of the suit, tendered sufficient amends to the plaintiff, the plaintiff shall not recover.

Act IX of 1850, s. 111.

Limitation of prosecutions.

75. All prosecutions for anything purporting to be done under this Act must be commenced within three months after the offence is committed.

THE FIRST SCHEDULE.

(See section 2.)

ENACTMENTS REPEALED.

A.—Charters of the Supreme Courts.

Date.		Extent of repeal.
26th March, 1774.	Charter of the Supreme Court at Fort William.	Clause 21.
26th December, 1800.	Charter of the Supreme Court at Madras.	Clause 47.
8th December, 1823.	Charter of the Supreme Court at Bombay.	Clause 59.

B.—Acts of the Governor General in Council.

Number and year.	Subject or short title.	Extent of repeal.
IX of 1850 ...	For the more easy recovery of small debts and demands in Calcutta, Madras and Bombay.	So much as has not been repealed.
XX of 1857 ...	To amend Act IX of 1850.	The whole.
XXVI of 1864	To extend the jurisdiction of the Courts of Small Causes at Calcutta, Madras and Bombay, and to provide for the appointment of an increased number of Judges of these Courts.	So much as has not been repealed.
X of 1877 ...	The Code of Civil Procedure.	Section eight, para. 2.

C.—Act of the Governor of Bombay in Council.

Number and year.	Subject.	Extent of repeal.
VI of 1864 ...	For the better regulation of the diet-money of persons imprisoned by the Bombay Court of Small Causes.	So much as has not been repealed.

THE SECOND SCHEDULE.

(*See section* 21.)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except sections 15, 16 and 17, 18, 19, 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts, except section 37, last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 57, clause (*b*).

CHAPTER VI.—Of the Issue and Service of Summons, except section 86.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110, 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents, except, in the proviso to section 121, the words "and that no defendant shall deliver interrogatories for the examination of the plaintiff, unless such defendant has previously tendered a written statement, and such statement has been received and placed on the record."

CHAPTER XI.—Settlement of Issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first hearing, except section 154 and section 155, second paragraph.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207 and 211 to 214 (both inclusive).

CHAPTER XVIII.—Of Costs.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 262 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 to 343 (both inclusive).

CHAPTER XX.—Of Insolvent Judgment-debtors, except section 360.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of Requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—So far as relates to suits by Government, or against Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of immoveable property.

CHAPTER XXXVI.—Appointment of Receivers, except sections 504 and 505.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XXXIX.—Of Summary Procedure on Negotiable Instruments.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous, sections 640 to 645 (both inclusive), 647 to 652 (both inclusive).

THE THIRD SCHEDULE.

(*See sections* 37 *and* 38.)

PERSONS EXCLUDED FROM INSOLVENCY-JURISDICTION OF COURT.

Bankers, sharafs or banians, professional money-lenders:

sugar, indigo, tea, wool, silk or other manufacturers:

owners of cotton, jute, hide or other screws:

owners or farmers of fairs, markets or bázárs:

ship-owners, dock-owners:

builders, auctioneers and pawnbrokers:

hotel-keepers, boarding-house keepers or lodging-house keepers:

letters-out of conveyances and cattle:

printers and publishers:

contractors, commission agents, bill-brokers and other brokers:

owners or lessees of theatres or other public places of amusement:

money-changers, grain-lenders:

dealers in horses, cattle or elephants:

persons using the trade of receiving other men's monies or estates into their trust or custody:

persons insuring ships or their freight or other matters against perils of the sea:

persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise, in gross or by retail; and

persons who, either for themselves or as agents or factors for others, seek their living by buying and selling, or buying and letting for hire, goods or commodities; or by the workmanship or conversion of goods or commodities:

Provided that no person earning his livelihood solely by agriculture, and no common labourer or workman for hire, or member of a company, shall be deemed as such to be included in this schedule.

THE FOURTH SCHEDULE.

(*See section* 48.)

FEES FOR SUMMONSES AND OTHER PROCESSES.

When the amount or value of the subject-matter exceeds	But does not exceed	Fee for summons.			Fee for other processes.		
Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
0	10	0	2	0	0	2	0
10	20	0	4	0	0	4	0
20	50	0	8	0	0	8	0
50	100	1	0	0	1	0	0
100	200	1	4	0	2	0	0
200	300	1	8	0	3	0	0
300	400	1	12	0	4	0	0
400	500	2	0	0	5	0	0
500	600	2	4	0	6	0	0
600	700	2	8	0	7	0	0
700	800	2	12	0	8	0	0
800	900	3	0	0	9	0	0
900	1,000	3	4	0	10	0	0
1,000	1,100	3	8	0	11	0	0
1,100	1,200	3	12	0	12	0	0
1,200	1,300	4	0	0	13	0	0
1,300	1,400	4	4	0	14	0	0
1,400	1,500	4	8	0	15	0	0
1,500	1,600	4	12	0	16	0	0
1,600	1,700	5	0	0	17	0	0
1,700	1,800	5	4	0	18	0	0
1,800	1,900	5	8	0	19	0	0
1,900	2,000	5	12	0	20	0	0

STATEMENT OF OBJECTS AND REASONS.

THE Courts now known as the Courts of Small Causes in the Presidency-towns were established by a Charter of George the Second, dated 8th January, 1753, and would accordingly appear to be the oldest Courts at present existing in British India.

They have, from time to time, undergone many changes, their constitution having been re-modelled, their jurisdiction extended and their procedure amended by various enactments and orders, in particular by Acts IX of 1850 and XXVI of 1864, which placed them on a footing closely resembling that of the English County Courts; but they have been left to a great extent untouched by the important legislation by which, in recent years, the procedure of the other Civil Courts in this country has been reformed.

The result of this is that they have become somewhat antiquated and do not fit in with the rest of the Indian judicial system; that their powers and procedure are, in many particulars, defective, and that though, owing to the efficient manner in which they have been worked, they have generally given satisfaction, questions have often to be discussed in them which, to use the words of a late Small Cause Court Judge, now on the bench of the Madras High Court, "are totally foreign to the people who resort to them, and some of which have only an historic interest even in England."

2. The need of completely revising the law relating to these Courts was pointed out many years ago by Mr. Fagan and Mr. Boulnois, two of the ablest Judges who have presided in the Calcutta Small Cause Court; and in the year 1868, a Bill was drafted for this purpose by Mr. Pitt Kennedy, but further action in the matter has been, from time to time, postponed pending the consideration of certain proposals regarding the jurisdiction and powers of the Courts. These proposals have now been fully discussed; as near an approach to unanimity regarding them as can well be hoped for has been attained, and the present Bill has accordingly been prepared to consolidate and amend the entire law.

3. The most important change introduced by it lies in the extension of the pecuniary limit of the jurisdiction from Rs. 1,000 to Rs. 2,000. This extension was asked for by the Calcutta Trades Association as far back as 1867. It has since then been much discussed, and has the approval of the Governments of Madras, Bombay and Bengal, of the High Court of Madras, and, subject to a limitation to be presently referred to, of the High Court at Calcutta. The only opposition to it comes from the High Court at Bombay; and that opposition appears to proceed, not so much from any objection to the principle of the extension, as from a fear that it will not be acceptable to the public—a point on which we shall be better able to form an opinion after the Bill has been published.

The Bill, it will be observed, is drawn so as to extend the jurisdiction in all classes of suits cognizable by the Court. The Calcutta High Court would have excepted actions of tort; but it has been thought well to avoid, if possible, making any distinctions of this sort, which, to persons of the class who resort to the Small Cause Court and their advisers, would, it is feared, occasion difficulties.

4. Assuming that the pecuniary limit of the jurisdiction is to be raised as proposed, the question arises whether any appeal should be allowed in suits above Rs. 1,000; or whether the present system of allowing a new trial by the Court itself and a reference to the High Court on a point of law is sufficient. On this point the difference of opinion has been greater.

The Governments of Bombay and Bengal, the Calcutta High Court, and the Judges of the Small Cause Court at Bombay, are against admitting an appeal. The Government of Madras, the High Court there, and the Judges of the Small Cause Courts at Calcutta and Madras, are in favour of it; as was also Mr. Kennedy at the time he drew the Bill already referred to.

On the one hand, it is urged that allowing an appeal is, especially as it involves the taking of notes of evidence and the writing of judgments, inconsistent with the summary procedure of the Small Cause Court; that the hearing of cases subject to appeal could not conveniently be carried on simultaneously with the ordinary Small Cause Court work, and that the existence of a power to appeal would render litigation needlessly protracted and expensive.

On the other hand, the importance of providing a check on the trial of questions of fact in suits of the higher value is insisted on, and it is pointed out that, in two at least of the presidency-towns, the practice of taking notes of evidence in all contested cases already prevails. The Bill as at present drawn does not provide an appeal, but the Select Committee, to which it is proposed to refer it, will, no doubt, consider whether in suits above Rs. 1,000 an appeal should not be allowed.

5. The next question which presents itself in connection with the jurisdiction of the Court is that as to the classes of suits which the Court should be empowered to hear. It has been thought best, both with a view to relieve the High Courts as far as possible, and in order to avoid, as far as may be, the doubts and difficulties which attend the construction of provisions of this sort, to draw the Bill so as to give the Small Cause Court jurisdiction in suits of all descriptions with certain specified exceptions.

6. The most important of these exceptions is that of suits for the recovery of immoveable property. It appears from the records of the Legislative Department that those who framed Act IX of 1850 intended that its 25th section should confer jurisdiction on the Small Cause Courts in such suits; but there has been a considerable difference of opinion as to the actual effect of that Act and of its amending Act (XXVI of 1864) in this particular.

The High Courts of Calcutta and Bombay have held that the Small Cause Courts were given jurisdiction in the suits in question by the 25th section of Act IX of 1850. The Bombay High Court has held, further, that a like jurisdiction was conferred in suits up to Rs. 1,000 by the Act of 1864, while the Judges of the Calcutta Small Cause Court hold that their jurisdiction in such suits was not extended by that Act. The Madras High Court has held that neither Act conferred any such jurisdiction. To this it should be added that in Calcutta the jurisdiction, though held to exist up to Rs. 500, is, for some reason which has not been fully explained, but little resorted to.

The Madras and Bombay authorities and the majority of the Calcutta High Court are in favour of giving the jurisdiction. The Bengal Government, the officers consulted by it (including the Judges of the Calcutta Small Cause Court) and four of the Judges of the Calcutta High Court are against it. The Bill, as has been already stated, does not give it, and it is manifest that if it were to be given, special provisions relating to it would need to be introduced. An appeal should certainly be given; proper provision would have to be made for execution, and probably some rules would, as suggested both from the Calcutta and Madras High Courts, be required to limit the operation of the decisions as *res judicatæ*.

Other cases in which the Bill proposes to withhold jurisdiction from the Small Cause Courts are suits against the Secretary of State in Council; suits for partition, foreclosure, redemption; suits for the specific performance or the rescission of contracts relating to immoveable property; administration-suits: suits to obtain an injunction: suits to enforce a trust.

7. One point more remains to be noticed in connection with the jurisdiction of the Courts.

Act IX of 1850, in conferring jurisdiction on the Courts up to a value of Rs. 500, confines its exercise to cases of defendants dwelling or carrying on business within the local limits. Act XXVI of 1864, on the other hand, in conferring jurisdiction between the values of Rs. 500 and Rs. 1,000, gives an alternative ground for its exercise, namely, the circumstance of the cause of action having arisen within the local limits. It has been urged by most of the authorities consulted that the basis of the jurisdiction should be the same in cases of all values. On the other hand, fears have been expressed by some that a power to institute a suit of the lower value against a defendant residing at a distance might be liable to abuse unless some limitation were imposed. The correct view of the matter seems to be that taken by the Judges of the Madras High Court and Mr. Busteed, namely, that in this particular no distinction should be made between the High Court and the Small Cause Court, and accordingly the Bill has been drawn so as to place the jurisdiction of the Small Cause Court in this respect on precisely the same footing as that on which the jurisdiction of the High Court is placed by the Letters Patent.

8. The want of any power to execute the decree of a Small Cause Court against immoveable property, except by the circuitous process of instituting a suit upon such decree in the High Court, has for many years past been complained of as involving an undue hardship to plaintiffs, and in some places, particularly in Madras, driving them to institute their suits in the High Court instead of in the Small Cause Court. The objections that exist to giving the Small Cause Courts jurisdiction in suits to recover immoveable property apply also to giving them power to execute their decrees against immoveable property, and it is accordingly proposed by the Bill (section 24) to empower the Court to send its decrees for execution to the High Court or to a mufassal Court, in the same way as the mufassal Small Cause Courts do under section 20 of Act XI of 1865. The only serious opposition to this proposal comes from the High Court at Bombay, and it rests mainly on the political or economical objections which of late years have been so frequently urged against the sale of immoveable property in execution of decrees—objections which, however weighty they may be in the mufassal, where the land is the only means of livelihood of the mass of the people, and is in fact the basis of society, have little or no force in the cases that occur in the presidency-towns.

9. Section 21 of the Bill and the schedule make the Code of Civil Procedure the foundation of the procedure of the Small Cause Courts in the presidency-towns, as it is of those in the mufassal; but the special provisions of the existing Acts regarding Court-fees, fees to Counsel and attorney, and suspension of execution in cases of sickness, &c., have been retained, and it may be a question whether further modifications of the general law, for example, as regards the payment of expenses of witnesses (Code, sections 160 to 162), should not be introduced.

10. In the chapter relating to the recovery of small tenements, several amendments have been introduced, but they are merely such as are necessary in order to make the meaning of the original law clearer, or such as the working of the similar law in England has shewn to be desirable. Thus, the limitation of the operation of the chapter to cases in which the possession has commenced, either in a tenancy or in permissive occupancy, is clearly in accordance with the intention of the authors of the law; and, though all doubt on this point was, as far as the Court at Calcutta is concerned, precluded by a decision of the Supreme Court there, in the year 1851, the circumstance, mentioned in one of the communications received,

that another High Court has taken the directly opposite view shows the necessity of making the law more distinct.

11. The words "the value *or* the rent" in section 91 of Act IX of 1850 were copied from section 122 of the English County Courts Act, 9 & 10 Vic., c. 122, where they were probably used *per incuriam*. Their effect, according to the construction put upon them in a well-known case, is that property of great value—*e.g.*, extensive buildings erected on a plot of land held at a rent below Rs. 1,000—might be brought within this very summary jurisdiction. The Bill provides that there shall be no jurisdiction if the annual value at a rack-rent exceeds Rs. 1,000.

12. The chapter on insolvency-jurisdiction is completely new. The introduction of a chapter of this sort has been advocated by the Government of Bengal, the Calcutta High Court and the present Chief Justice of Madras, with a view to relieving the High Courts of a mass of petty work with which they are at present burthened to the great detriment of more important business. There has been some difference of opinion as to the way in which the insolvency-jurisdiction should be divided between the High Court and the Small Cause Court. The principle of division adopted by the Bill, which assigns to the Small Cause Court all cases of non-traders, leaving to the High Court only the cases of traders, is that proposed by the Calcutta High Court; and it seems to be the most convenient, as it is, as a rule, in the latter class of cases only that questions of difficulty and importance arise in this country. The great mass of non-trading insolvents consists of Government clerks who have lived beyond their means, and the settlement of whose affairs is, generally speaking, only too simple a matter, there being in the majority of cases little or no assets to recover or distribute.

13. It might seem at first sight that the simplest mode of providing for the exercise of this jurisdiction would have been by transferring to the Small Cause Court a portion of the jurisdiction conferred on the Judges of the High Court under 11 & 12 Vic., c. 21; but an examination of that Statute will show that in some particulars its operation extends beyond the limits of British India, and there would accordingly, looking to the restricted powers of the Indian legislature, be a difficulty in moulding it to suit the case. This being so, it has been thought best to fall back upon the more limited provisions of the Civil Procedure Code, which appear to be sufficient in the simple and comparatively unimportant class of cases we have to deal with.

The official assignee under 11 & 12 Vic., c. 21, will be Receiver in all cases under this chapter.

14. The chapter on testamentary and intestate jurisdiction has been introduced with a view to relieving the High Court, and at the same time providing a cheap and expeditious mode of obtaining probate or letters of administration in the case of estates of less than Rs. 1,000 in amount or value.

15. The seventy-second section, which prohibits the bringing of a suit to enforce a decree of a Small Cause Court, merely affirms what has been held by the Calcutta High Court in a recent case to be the existing law.

16. The Bill, it will be observed, though it comprises certain subjects not provided for by the existing Acts, contains a much smaller number of sections than they do. This is due chiefly to the omission of matters provided for by the sections of the Code of Civil Procedure which it is proposed to apply, or by the general law; but partly also to the omission of certain matters—*e.g.*, the security to be given by ministerial officers, and the mode of keeping the accounts of the Court—which, in accordance with the practice of recent years, are left to be dealt with by the Executive Government, in accordance with the ordinary departmental rules.

SIMLA;
The 28th August, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee:—

No. 16 of 1880.

A Bill to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the passing thereof.

Local extent.

2. Sections three and twelve extend to the whole of British India. The remaining sections extend only to such parts of British India as the Local Government may, from time to time by notification in the official Gazette, direct.

"Census-officer" defined.

3. In this Act, "Census-officer" means any person appointed by the Local Government by name or in virtue of his office to make, or aid in or supervise the making of, the census within any specified local area.

XI (B. C.) of 1871, s. 3.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Census-officers to be deemed public servants.

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

XI (B. C.) of 1871, s. 8: IV (B. C.) of 1876, s. 185: V (M. C.) of 1878, s. 386: III (B C.) of 1872, s. 265: Cf. 33 & 34 Vic., c. 80, s. 4: *Ibid*, c. 107, s. 104 *Ibid*, c. 108, s. 18.

Duties of Census-officers how to be discharged in certain cases.

5. Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war, every person (except a pilot or harbour-master) having charge or control of a vessel, every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public or charitable or educational institution, and every keeper of any sarái, hotel, boarding-house or lodging-house, shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of the census are under his command or charge, or inmates of his house, as such Magistrate or officer may by an order in writing direct.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any such person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

XI (B. C.) of 1871, s. 5.

Power of Magistrate of district to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order in writing, call upon all land-holders, tenure-holders and farmers in his district, or their agents, to give such assistance as he needs towards the taking of a census of the persons who are at the time of such census on the lands of such persons. Such order shall specify the nature of the assistance required.

The Local Government may determine, by rules to be published in the official Gazette, the nature and extent of the assistance which the Magistrate of the District may require under this section.

Ben. Act XI of 1871, s. 6: Cf. 33 & 34 Vic., c. 80, s. 6: Cf. 33 & 34 Vic., c. 107, s. 17: Cf. 33 & 34 Vic., c. 108, s. 18.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as he may be directed by instructions issued in this behalf by the Local Government to ask.

All such instructions shall be published by the Local Government in the official Gazette.

See Penal Code, ss. 176, 177: Act XI of 1872, s. 6: Cf. 33 & 34 Vic., c. 80, s. 6: Cf. 33 & 34 Vic., c. 107, s. 17: Cf. 33 & 34 Vic., c. 108, s. 18.

Obligation to furnish information to Census-officer.

8. Every person of whom any such question is asked by any Census-officer shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be legally bound to state the name of any female member of his household.

See Penal Code, s. 186.

Occupier of house, &c., to allow access.

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such reasonable access thereto as they may require for the purposes of the census.

XI (B. C.) of 1871, s. 7: 33 & 34 Vic., c. 80, s. 8: 33 & 34 Vic., c. 107, s. 16: 33 & 34 Vic., c. 108, s. 17: See Penal Code, ss. 166 and 167.

Penalty for misconduct of Census-officers.

10. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section seven, or wilfully puts any question not authorized by such instructions, or makes any false return, shall be punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

XI (B. C.) of 1871, s. 9: (Panjáb Government letter No. 580C., dated 24th August, 1878, paragraph 18.)

Jurisdiction in prosecutions.

11. The Local Government may, by notification in the official Gazette—

(1) declare before what classes of Magistrates prosecutions under this Act or for neglecting or refusing to do anything required by this Act to be done may be instituted;

(2) direct that no such prosecution shall be instituted except with its previous sanction or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (1) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

See Secretary of State's despatch No. 34, dated 4th March, 1880, paragraph 7.

Records of census not admissible in evidence.

12. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any judicial proceeding:

Provided that nothing herein contained shall be deemed to apply to proceedings under this Act.

STATEMENT OF OBJECTS AND REASONS.

IT has been decided to take a general census of British India in February, 1881. The Committee appointed to report on the arrangements for the census recommended that a short general Act should be passed for the whole of India to make provision—

(*a*) for the appointment by Local Governments of a person or persons to take an account of the population;

(*b*) for empowering the chief executive officer of the district to appoint enumerators and supervisors;

(*c*) for imposing on land-holders, tenure-holders and farmers, or their agents, the duty of rendering such assistance as the local authority may direct;

(*d*) for empowering enumerators to put questions in accordance with their instructions, and to enter enclosures for the purpose of enumeration;

(*e*) for imposing penalties for default to give information;

(*f*) for imposing penalties for misconduct of enumerators;

(*g*) for defining by whom and before whom prosecutions under the Act should be instituted.

The President of the Committee thought that, if a general Act of this nature were passed, its extension to particular territories should be permissive and not imperative, power being given to Local Governments to extend it to the whole or any part of the territories under their control.

The Local Governments and Administrations have been consulted on these suggestions, and a majority are in favour of legislation.

2. The present Bill has therefore been framed. It carries out in the main the recommendations of the Committee, but, as it is not desirable to provide by legislation for what can be accomplished by executive order, no provision has been made for the first and second of the points above mentioned. Census-officers are, however, declared to be public servants within the meaning of the Indian Penal Code, and will thus enjoy the protection, while at the same time they will be liable, in the event of misconduct, to the penalties, afforded and prescribed by that Code in the case of such servants. The only other additions to the provisions suggested by the Committee are in sections 5, 11 and 12. In section 5, which follows section 8 of Bengal Act XI of 1871, power is given to require military and naval officers, masters of vessels, hotel-keepers and persons in charge of public charitable and educational institutions to aid in the work of the census. In section 11, clause (2), power is, on the recommendation of the Government of the Panjáb, conferred on the Local Government to declare that no prosecution under the Act shall be instituted without its previous sanction. Lastly, section 12 provides that the census-records shall not be admissible in evidence except in cases connected with the taking of the census. This provision has been inserted in consequence of a suggestion to this effect made by the Secretary of State for India.

C. GRANT.

The 1st September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee:—

No. 17 of 1880.

A Bill to regulate the navigation of the Pegu and Sittang Canal, and to provide for the execution of works necessary for its maintenance.

Preamble.

WHEREAS the Government has constructed a canal connecting the waters of the Pegu and Sittang rivers, partly by digging artificial channels and partly by using the water-bed of the Ka-ya-zoo creek; and whereas it is necessary to provide for the navigation and maintenance of the said canal; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Pegu and Sittang Canal Act, 1880";

Commencement.

and it shall come into force at once.

Interpretation-clause.

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

"The Canal."

(1) "The canal" means the Pegu and Sittang Canal, and includes—

Act VIII of 1873, s. 3 (1) (*a*).

(*a*) all channels and reservoirs now or hereafter constructed, maintained or controlled by the Government for the supply or storage of water in connection with the said canal, or supplemental thereto, between the Sittang lock, situated at Myit-kyo on the Sittang river, and the Pegu lock, situated near the village of Sin-o-bo on the Pegu river;

Ibid, s. 3 (1) (*b*).

(*b*) all works, embankments, structures, supply and escape-channels connected with the canal or with the said channels and reservoirs;

Ibid, s. 74.

(*c*) all lands occupied by the Government for the purposes of the said canal, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by, or belonging to, the Government, upon such lands:

Ibid, s. 3 (4). "Vessel."

(2). "Vessel" includes boats, rafts, timber and other floating bodies:

Ibid, s. 3 (7). "Canal Officer."

(3). "Canal Officer" means an officer appointed under this Act by the Chief Commissioner to exercise control over the canal or any part thereof:

Ibid, s. 3 (7). "Superintending Canal Officer."

(4). "Superintending Canal Officer" means an officer exercising general control over the canal.

Act VIII of 1873, s. 4.

Power to appoint officers.

3. The Chief Commissioner may from time to time declare, by notification in the *British Burma Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Navigation of the Canal.

Tolls to be levied from vessels using canal.

4. Such tolls as the Chief Commissioner may from time to time, by notification in the official Gazette, direct shall be levied from all vessels entering or navigating the canal.

Power to detain vessels violating rules.

5. Any vessel entering or navigating the canal contrary to the rules made in that behalf under this Act by the Chief Commissioner, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained, or both removed and detained, by a Canal Officer, or by any other person duly authorized in that behalf. Act VIII of 1873, s. 49.

The owner of any vessel causing damage to the canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the charge of repairing such damage, or of such removal or detention, as the case may be.

Power to detain vessel on failure to pay tolls or charges.

6. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Canal Officer may seize and detain such vessel and the furniture thereof, until such toll or charge, together with all expenses arising from such seizure and detention, is paid in full. *Ibid*, s. 51.

Power to seize cargo or goods if charges due thereon are not paid.

7. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is not paid on demand to the person authorized to collect the same, the Canal Officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full. *Ibid*, s. 52.

Power to sell property seized under sections 6 and 7.

8. Within a reasonable time after any seizure under section six or section seven, the Canal Officer shall give notice to the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property is detained, unless the claim is discharged before the day so named; *Ibid*, s. 53.

And if such claim is not so discharged, the Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Procedure in respect of vessels abandoned and goods unclaimed.

9. If any vessel is found abandoned in the canal, or any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is or are left unclaimed for a Act VIII of 1873, s. 54.

period of two months, the Canal Officer may take possession of the same.

Power to sell.

The officer so taking possession shall publish a notice, in such manner as the Chief Commissioner may from time to time by rule direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and if such vessel, contents, cargo or goods is or are not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges and all expenses incurred by the Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Canal Officer.

If the Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold and the proceeds to be paid into the district-treasury, there to be held until the right thereto is decided by a Court of competent jurisdiction.

Maintenance of the Canal.

Cf. Act VIII of 1873, s. 6.

Power of Canal Officer to enter on land and remove obstructions, &c.

10. A Canal Officer, empowered generally or specially in this behalf, or any other person acting under the general or special order of such officer, may enter on any land in the neighbourhood of the canal and remove any obstructions, and may close any channels and do any other thing necessary or convenient for the maintenance of the canal.

Act VIII of 1873, s. 14.

Power to enter and survey, &c

11. Any such officer or other person may, for the purposes of any enquiry relating to any part of the canal under the charge of such officer, enter upon any such lands, and undertake surveys or levels thereon, and dig and bore into the subsoil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for such purposes;

Power to clear land.

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle.

Act VIII of 1873, s. 15.

Power to enter to repair and to prevent accidents.

12. In case of any accident happening or being reasonably apprehended to the canal, any such officer or other person may enter upon any such lands, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Cf. Act VIII of 1873, s. 14, last para.

Compensation for damage caused by entry.

13. In every case of entry under section ten, eleven or twelve, the Canal Officer shall tender to the owner or occupiers of the land compensation for any damage which may be occasioned by such entry and by any proceeding under such section.

In case of dispute as to the sufficiency of the amount so tendered, the Canal Officer shall forthwith refer the same for decision to the Deputy Commissioner, whose decision thereon shall be final.

Obtaining Labour and Materials for Work on the Canal.

Act VIII of 1873, s. 65: Bom. Act VII of 1879, s. 57: Act XIII of 1877, s. 3.

Procedure for obtaining labour and materials for works urgently required.

14. Whenever it appears to a Canal Officer that, unless some work is immediately executed, such serious damage will happen to the canal as will cause sudden and extensive public injury,

and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such damage, such officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(*a*) every able-bodied person whose name appears in the list hereinafter mentioned shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or other person directs, and

(*b*) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of the Canal, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found upon such property, and use the same for the purposes of such work.

Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Act XIII of 1877, s. 4: Bom. Act VII of 1879, s. 59. Cf. Act VIII of 1878, s. 64.

Deputy Commissioner to prepare list of persons liable to serve.

15. Subject to such rules as the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioners of Henthawaddy and Shway-gin shall prepare lists of persons residing in the neighbourhood of the canal in the said districts respectively, and liable to be required under section fourteen to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Act. XIII of 1877, s. 5. Cf. Act VIII of 1873, s. 65. Bom. Act VII of 1879, s. 58.

Payment for labour impressed and materials taken.

16. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section fourteen, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the Canal Officer for their labour and detention, or for such materials (as the case may be), at such rates, not being less than the highest market-rates for similar labour or materials for the time being prevailing in the neighbourhood, as the Chief Commissioner from time to time by written order directs.

Act. XIII of 1877, s. 6.

Compensation for damage done in taking materials.

17. Whenever, from the removal of any trees, bamboos or other materials under section fourteen, any damage over and above the price payable for such materials results directly to any person, the Canal Officer shall pay to such person such sum as may be agreed upon as compensation for such damage, or, in case of dispute

as to the amount so to be paid, as the Deputy Commissioner may award.

Offences and Penalties.

Act VIII of 1873, s. 70.

Offences under Act.

18. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say,—

Clause (1). (1) damages, alters or obstructs the canal;

Clause (2). (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under the canal;

Clause (3). (3) interferes with or alters the flow of water in any river or stream, so as to endanger or damage the canal or render it less useful;

Clause (5). (4) corrupts or fouls the water of the canal, so as to render it less fit for the purposes for which it is ordinarily used;

Clause (6). (5) causes any vessel to enter or navigate the canal contrary to the rules for the time being prescribed by the Chief Commissioner for entering or navigating the canal;

Clause (7). (6) while navigating the canal, neglects to take proper precautions for the safety of the canal and of vessels thereon;

Clause (9). (7) being a person liable to labour under section fourteen, neglects without reasonable cause so to labour;

Clause (10). (8) destroys or moves any land-mark, level-mark or water-gauge fixed by the authority of a Canal Officer;

Clause (11). (9) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of the canal contrary to rules made under this Act, after he has been desired to desist therefrom;

Clause (12). (10) violates any rule made under this Act to the breach whereof the penalty specified in this section has been attached,

Penalty.

shall be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to one month, or with both.

Act VIII of 1873, s. 71.

Saving of prosecution under other laws.

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Ibid, s. 50.

Recovery of fines for offences in navigating canals.

19. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel.

Act VIII of 1873, s. 73.

Power to arrest without warrant.

20. Any person duly authorized in this behalf under section three may remove from the lands or buildings belonging to the canal, or may arrest without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who, within his view, commits any of the offences mentioned in clauses (1), (2) and (3) of section eighteen.

Power to make Rules.

Power to make rules.

21. The Chief Commissioner may, subject to the control of the Governor General in Council, from time to time make rules consistent with this Act to regulate the following matters:—

(1) the navigation of the canal;

(2) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(3) the amount of any tolls leviable under this Act, and

(4) generally to carry out the provisions of this Act.

The Chief Commissioner may, in making any such rule, attach to the breach of it the penalty specified in section eighteen.

Publication of rules.

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

Validation of past Proceedings.

Validation of past proceedings.

22. Anything done before this Act comes into force, which might legally have been done if this Act had been in force, shall be deemed to have been legally done.

STATEMENT OF OBJECTS AND REASONS.

THE Pegu and Sittang Navigation Canal, thirty-nine miles in length, connects the waters of the Pegu and Sittang rivers. The chief objects which the Government had in view in its construction were, to shorten the route between Rangoon and Tounghoo and to enable the river-traffic to avoid the extremely dangerous bore on the Sittang. The canal was constructed partly by utilizing for fourteen miles the natural water-bed of the Ka-ya-zoo creek, and partly by digging an artificial channel. The artificial portion was constructed through waste-lands, in which there were no private rights; and such rights as existed formerly along parts of the Ka-ya-zoo creek have all now been acquired by the Government. The bed and banks of the canal throughout its whole course are, therefore, the property of the Government. In constructing the canal, however, certain water-courses formerly used by the public have been closed. For this reason, as also because it is desirable, for the proper regulation of traffic, the collection of dues and the maintenance of the canal, that the Government should have something more than the authority conferred by its position as proprietor to rely upon, it appears necessary to resort to legislation.

The present Bill, which is based on portions of the Northern India Canal and Drainage Act, 1873, has therefore been prepared. It provides (sections 4 to 9) for the levy of tolls on vessels and rafts navigating the canal, and for the regulation of such navigation.

By sections 10 to 13 certain powers over private lands adjacent to the canal are conferred on Canal-officers, who will be thus enabled to do all acts necessary for the maintenance of the canal.

Lastly, in sections 14 to 17, power has been taken, after the manner of the Northern India Canal and Drainage Act, 1873, Chapter VII, and the Burma Embankment Act, 1877, to obtain forced labour where the immediate execution of works is necessary to prevent such serious damage as will cause sudden and extensive public injury.

The other provisions of the Bill are merely subsidiary to these, and do not call for remark.

The 31st August, 1880.

C. U. AITCHISON.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee :—

No. 18 of 1880.

A Bill to enhance the rate of Port-dues leviable at Madras.

Preamble.

WHEREAS it has been determined to construct an artificial harbour for the port of Madras and to defray a portion of the interest on the principal sum expended on the construction of such harbour and of the annual expenses of maintaining the same out of the dues leviable on sea-going vessels of fifteen tons and upwards entering the said port:

And whereas the maximum rate of such dues is fixed by the Indian Ports Act, 1875, section forty-five, and the third part of the first schedule thereto annexed, and the amount of such rate is insufficient to defray such portion of the said interest and expenses in addition to the other charges to meet which the said dues are applicable:

And whereas it is therefore necessary to enhance, to the extent hereinafter mentioned, the maximum rate of dues so leviable;

It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Port-dues Act, 1880"; and

Commencement.

It shall come into force as soon as the said harbour is, in the opinion of the Local Government, open for the use of sea-going vessels of fifteen tons and upwards, and the said Government has published, in the *Fort St. George Gazette*, a notification to that effect.

Amendment of Part III of the first Schedule of Act XII of 1875.

2. In the Indian Ports Act, 1875, first Schedule, Part III, the following amendments shall be made, that is to say :—

(*a*) in the first column the numeral and word "9, Madras" shall be omitted;

(*b*) in the first column, above the heading "*Eastern Group*," the word "Madras" shall be inserted; and

(*c*) opposite the word "Madras" so inserted there shall be inserted—

(1) in the second column the words "sea-going vessels of fifteen tons and upwards"; and

(2) in the third column the words "not exceeding eight 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."

STATEMENT OF OBJECTS AND REASONS.

THE funds requisite for the construction of the artificial harbour at Madras are being advanced by the Government.

It is estimated that the whole cost of the work will amount to Rs. 62,80,000, and it is proposed to raise, by taxation levied on the trade of the port, an annual income sufficient to pay interest at 4 per cent. on this sum, together with Rs. 60,000, the estimated annual charge for maintenance.

Port-dues at the rate of 3 annas (or in the case of coasting vessels $1\frac{1}{2}$ annas) per ton can at present be levied under the Indian Ports Act, 1875, on vessels entering the port, and the simplest mode of raising the requisite income would be by an enhancement of those dues. It is, however, manifest that they could not be enhanced beyond a certain point without injuriously affecting the calling trade of the port, and it has accordingly been determined, after reference to the Madras Chamber of Commerce, that the best course to take will be to raise only a portion of that income in the shape of Port-dues, leaving the rest to be raised by a tax on goods landed and shipped, the precise form of which will be settled hereafter. In accordance with this determination the present Bill has been prepared. It admits of the Port-dues being raised to eight annas per ton, or in the case of vessels employed in the coasting trade and not being steamers to four annas. The additional income which may be obtained by so raising them is estimated at Rs. 1,60,000 per annum.

The Bill is drawn so as not to come into operation till the new harbour is open.

J. GIBBS.

The 1st September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 25, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee :—

No. 16 of 1880.

A Bill to provide for certain matters in connection with the taking of the Census.

Preamble.

WHEREAS it has been determined to take a census of British India, and it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called "The Indian Census Act, 1880," and shall come into force on the passing thereof.

Local extent.

2. Sections three and twelve extend to the whole of British India. The remaining sections extend only to such parts of British India as the Local Government may, from time to time by notification in the official Gazette, direct.

"Census-officer" defined.

3. In this Act, "Census-officer" means any person appointed by the Local Government by name or in virtue of his office to make, or aid in or supervise the making of, the census within any specified local area.

XI (B. C.) of 1871, s. 3.

Proof of appointment of Census-officer.

4. A declaration in writing, signed by any officer authorized by the Local Government in this behalf, that any person has been duly appointed a Census-officer for any local area shall be conclusive proof of such appointment.

Census-officers to be deemed public servants.

All Census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Duties of Census-officers how to be discharged in certain cases.

5. Every military or naval officer in command of any body of men belonging to Her Majesty's military or naval forces or of any vessel of war, every person (except a pilot or harbour-master) having charge or control of a vessel, every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public or charitable or educational institution, and every keeper of any sarái, hotel, boarding-house or lodging-house, shall, if so required by the Magistrate of the District, or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint in this behalf, perform such of the duties of a Census-officer in relation to the persons who at the time of the census are under his command or charge, or inmates of his house, as such Magistrate or officer may by an order in writing direct.

XI (B. C.) of 1871, s. 8: IV (B. C.) of 1876, s. 185: V (M. C.) of 1878, s. 886: III (B. C.) of 1872, s. 265: Cf. 33 & 34 Vic., c. 80, s. 4. *Ibid.*, c. 107, s. 10: *Ibid.*, c. 108, s. 18.

All the provisions of this Act relating to Census-officers shall apply (so far as they are applicable) to all such persons while performing such duties; and any such person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code.

Power of Magistrate of district to call upon certain persons to give assistance.

6. The Magistrate of the District may, by an order in writing, call upon all land-holders, tenure-holders and farmers in his district, or their agents, to give such assistance as he needs towards the taking of a census of the persons who are at the time of such census on the lands of such persons. Such order shall specify the nature of the assistance required.

XI (B. C.) of 1871, s. 5.

The Local Government may determine, by rules to be published in the official Gazette, the nature and extent of the assistance which the Magistrate of the District may require under this section.

Ben. Act XI of 1871, s. 6: Cf. 33 & 34 Vic., c. 80, s. 6: Cf. 33 & 34 Vic., c. 107, s. 17: Cf. 33 & 34 Vic., c. 108, s. 18.

Census-officers empowered to ask questions.

7. Every Census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as he may be directed by instructions issued in this behalf by the Local Government to ask.

All such instructions shall be published by the Local Government in the official Gazette.

See Penal Code, ss. 176, 177: Act XI of 1872, s. 6: Cf. 33 & 34 Vic., c. 80, s. 6: Cf. 33 & 34 Vic., c. 107, s. 17: Cf. 33 & 34 Vic., c. 108, s. 18.

Obligation to furnish information to Census-officer.

8. Every person of whom any such question is asked by any Census-officer shall be legally bound to answer such question to the best of his knowledge or belief;

Provided that no person shall be legally bound to state the name of any female member of his household.

See [illegible] Code, s. 186.

Occupier of house, &c., to allow access.

9. Every person occupying any house, enclosure, vessel or other place shall allow the Census-officers such reasonable access thereto as they may require for the purposes of the census.

[illegible] 1871, s. [illegible] 33 & 34 [illegible] c. [illegible] s. 6: 33 & 34 Vic., c. 107, [illegible] 33 & 34 [illegible] c. 108, [illegible] See Penal Code, ss. 166 and 167.

Penalty for misconduct of Census-officers.

10. Any Census-officer who, knowingly and without sufficient cause, disobeys the instructions published by the Local Government under section [illegible] wilfully puts any question not authorized [illegible] instructions, or makes any false return, [illegible] punished for every such offence, if it does not amount to an offence within the provisions of the Indian Penal Code, with fine which may extend to fifty rupees.

XI (B. C.) of 1871, s. 9. (Panjáb Government letter No. 580C., dated 24th August, 1878, paragraph 18.)

Jurisdiction in prosecutions.

11. The Local Government may, by notification in the official Gazette—

(1) declare before what classes of Magistrates prosecutions under this Act or for neglecting or refusing to do anything required by this Act to be done may be instituted;

(2) direct that no such prosecution shall be instituted except with its previous sanction or with the previous sanction of some officer authorized by it in this behalf.

Unless and until a notification is published under clause (1) of this section, all prosecutions under this Act shall, in the towns of Calcutta, Madras and Bombay, be instituted before a Presidency Magistrate, and elsewhere, before the Magistrate of the District.

See Secretary of State's despatch No. 34, dated 4th March, 1880, paragraph 7.

Records of census not admissible in evidence.

12. Notwithstanding anything to the contrary contained in the Indian Evidence Act, 1872, no entry in any book, register or record made by a Census-officer in the discharge of his duty as such officer shall be admissible as evidence in any judicial proceeding:

Provided that nothing herein contained shall be deemed to apply to proceedings under this Act.

STATEMENT OF OBJECTS AND REASONS.

IT has been decided to take a general census of British India in February 1881. The Committee appointed to report on the arrangements for the census recommended that a short general Act should be passed for the whole of India to make provision—

(*a*) for the appointment by Local Governments of a person or persons to take an account of the population;

(*b*) for empowering the chief executive officer of the district to appoint enumerators and supervisors;

(*c*) for imposing on land-holders, tenure-holders and farmers, or their agents, the duty of rendering such assistance as the local authority may direct;

(*d*) for empowering enumerators to put questions in accordance with their instructions, and to enter enclosures for the purpose of enumeration;

(*e*) for imposing penalties for default to give information;

(*f*) for imposing penalties for misconduct of enumerators;

(*g*) for defining by whom and before whom prosecutions under the Act should be instituted.

The President of the Committee thought that, if a general Act of this nature were passed, its extension to particular territories should be permissive and not imperative, power being given to Local Governments to extend it to the whole or any part of the territories under their control.

The Local Governments and Administrations have been consulted on these suggestions, and a majority are in favour of legislation.

2. The present Bill has therefore been framed. It carries out in the main the recommendations of the Committee; but, as it is not desirable to provide by legislation for what can be accomplished by executive order, no provision has been made for the first and second of the points above mentioned. Census-officers are, however, declared to be public servants within the meaning of the Indian Penal Code, and will thus enjoy the protection, while at the same time they will be liable, in the event of misconduct, to the penalties, afforded and prescribed by that Code in the case of such servants. The only other additions to the provisions suggested by the Committee are in sections 5, 11 and 12. In section 5, which follows section 8 of Bengal Act XI of 1871, power is given to require military and naval officers, masters of vessels, hotel-keepers and persons in charge of public charitable and educational institutions to aid in the work of the census. In section 11, clause (2), power is, on the recommendation of the Government of the Panjáb, conferred on the Local Government to declare that no prosecution under the Act shall be instituted without its previous sanction. Lastly, section 12 provides that the census-records shall not be admissible in evidence except in cases connected with the taking of the census. This provision has been inserted in consequence of a suggestion to this effect made by the Secretary of State for India.

C. GRANT.

The 1st September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee:—

No. 17 of 1880.

A Bill to regulate the navigation of the Pegu and Sittang Canal, and to provide for the execution of works necessary for its maintenance.

WHEREAS the Government has constructed a canal connecting the waters of the Pegu and Sittang rivers, partly by digging artificial channels and partly by using the water-bed of the Ka-ya-zoo creek; and whereas it is necessary to provide for the navigation and maintenance of the said canal; It is hereby enacted as follows:—

Preamble.

Preliminary.

Short title.

1. This Act may be called "The Pegu and Sittang Canal Act, 1880";

Commencement.

and it shall come into force at once.

Interpretation-clause.

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

"The Canal."

(1) "The canal" means the Pegu and Sittang Canal, and includes—

Act VIII of 1873, s. 3 (1) (*a*).

(*a*) all channels and reservoirs now or hereafter constructed, maintained or controlled by the Government for the supply or storage of water in connection with the said canal, or supplemental thereto, between the Sittang lock, situated at Myit-kyo on the Sittang river, and the Pegu lock, situated near the village of Sin-o-bo on the Pegu river;

Ibid, s. 3 (1) (*b*).

(*b*) all works, embankments, structures, supply and escape-channels connected with the canal or with the said channels and reservoirs;

Ibid, s. 74.

(*c*) all lands occupied by the Government for the purposes of the said canal, and all buildings, machinery, fences, gates and other erections, trees, crops, plantations or other produce occupied by, or belonging to, the Government, upon such lands:

Ibid, s. 3 (4). "Vessel."

(2). "Vessel" includes boats, rafts, timber and other floating bodies:

Ibid, s. 3 (7). "Canal Officer."

(3). "Canal Officer" means an officer appointed under this Act by the Chief Commissioner to exercise control over the canal or any part thereof:

Ibid, s. 3 (7). "Superintending Canal Officer."

(4). "Superintending Canal Officer" means an officer exercising general control over the canal.

Act VIII of 1873, s. 4. Power to appoint officers.

3. The Chief Commissioner may from time to time declare, by notification in the *British Burma Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

Navigation of the Canal.

Tolls to be levied from vessels using canal.

4. Such tolls as the Chief Commissioner may from time to time, by notification in the official Gazette, direct shall be levied from all vessels entering or navigating the canal.

Act VIII of 1873, s. 49. Power to detain vessels violating rules.

5. Any vessel entering or navigating the canal contrary to the rules made in that behalf under this Act by the Chief Commissioner, or so as to cause danger to the canal or to the other vessels therein, may be removed or detained, or both removed and detained, by a Canal Officer, or by any other person duly authorized in that behalf.

The owner of any vessel causing damage to the canal, or removed or detained under this section, shall be liable to pay to the Government such sum as the Canal Officer, with the approval of the Superintending Canal Officer, determines to be necessary to defray the charge of repairing such damage, or of such removal or detention, as the case may be.

Ibid, s. 52. Power to detain vessel on failure to pay tolls or charges.

6. If any toll or charge due under this Act in respect of any vessel is not paid on demand to the person authorized to collect the same, the Canal Officer may seize and detain such vessel [illegible] furniture thereof, until such toll or charge [illegible] with all expenses arising from such seizure [illegible] tention, is paid in full.

Ibid, s. 53. Power to seize cargo or goods if charges due thereon are not paid.

7. If any charge due to the Government in respect of any cargo or goods carried in a Government vessel on the canal, or stored on or in [illegible] warehouses occupied for the purposes of the canal, is not paid on demand to the person [illegible]ized to collect the same, the Canal Officer may seize such cargo or goods, and detain it or them until the charge so due, together with all expenses arising from such seizure and detention, is paid in full.

Ibid, s. 53. Power to sell property seized under sections 6 and 7.

8. Within a reasonable time after any seizure under section six or section seven, the Canal Officer shall give notice to the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property is detained, unless the claim is discharged before the day so named;

And if such claim is not so discharged, the Canal Officer may, on such day, sell the property seized, or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale.

The residue (if any) of such property, and of the proceeds of the sale, shall be made over to the owner or person in charge of the property seized.

Act VIII of 1873, s. 54. Procedure in respect of vessels abandoned and goods unclaimed.

9. If any vessel is found abandoned in the canal, or any cargo or goods carried in a Government vessel on the canal, or stored on or in lands or warehouses occupied for the purposes of the canal, is or are left unclaimed for a

period of two months, the Canal Officer may take possession of the same.

Power to sell.

The officer so taking possession shall publish a notice, in such manner as the Chief Commissioner may from time to time by rule direct, that if such vessel and its contents, or such cargo or goods, is or are not claimed previously to a day to be named in the notice, not sooner than thirty days from the date of such notice, he will sell the same; and if such vessel, contents, cargo or goods is or are not so claimed, he may, at any time after the day named in the notice, proceed to sell the same.

Disposal of proceeds of sale.

The said vessel and its contents, and the said cargo or goods, if unsold, or, if a sale has taken place, the proceeds of the sale, after paying all tolls and charges and all expenses incurred by the Canal Officer on account of the taking possession and sale, shall be made over to the owner of the same, when his ownership is established to the satisfaction of the Canal Officer.

If the Canal Officer is doubtful to whom such property or proceeds should be made over, he may direct the property to be sold and the proceeds to be paid into the district-treasury, there to be held until the right thereto is decided by a Court of competent jurisdiction.

Maintenance of the Canal.

Cf. Act VIII of 1873, s. 6.

Power of Canal Officer to enter on land and remove obstructions, &c.

10. A Canal Officer, empowered generally or specially in this behalf, or any other person acting under the general or special order of such officer, may enter on any land in the neighbourhood of the canal and remove any obstructions, and may close any channels and do any other thing necessary or convenient for the maintenance of the canal.

Act VIII of 1873, s. 14.

Power to enter and survey, &c.

11. Any such officer or other person may, for the purposes of any enquiry relating to any part of the canal under the charge of such officer, enter upon any such lands, and undertake surveys or levels thereon, and dig and bore into the subsoil;

and make and set up suitable land-marks, level-marks and water-gauges;

and do all other acts necessary for such purposes;

Power to clear land.

and, where otherwise such enquiry cannot be completed, such officer or other person may cut down and clear away any part of any standing crop, fence or jungle.

Act VIII of 1873, s. 15.

Power to enter to repair and to prevent accidents.

12. In case of any accident happening or being reasonably apprehended to the canal, any such officer or other person may enter upon any such lands, and may execute all works which may be necessary for the purpose of repairing or preventing such accident.

Cf. Act VIII of 1873, s. 14, last para.

Compensation for damage caused by entry.

13. In every case of entry under section ten, eleven or twelve, the Canal Officer shall tender to the owner or occupiers of the land compensation for any damage which may be occasioned by such entry and by any proceeding under such section.

In case of dispute as to the sufficiency of the amount so tendered, the Canal Officer shall forthwith refer the same for decision to the Deputy Commissioner, whose decision thereon shall be final.

Obtaining Labour and Materials for Work on the Canal.

Act VIII of 1873, s. 65: Bom. Act VII of 1879, s. 58: Act XIII of 1877, s. 3.

Procedure for obtaining labour and materials for works urgently required.

14. Whenever it appears to a Canal Officer that, unless some work is immediately executed, such serious damage will happen to the canal as will cause sudden and extensive public injury,

and that the labourers or materials necessary for the proper execution of such work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such damage, such officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such work, and thereupon—

(*a*) every able-bodied person whose name appears in the list hereinafter mentioned shall, if required so to do by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such work by labouring thereon as such officer or other person directs, and

(*b*) such officer or any person authorized by him in this behalf may enter into and upon any immoveable property in the neighbourhood of the Canal, and take possession of, appropriate and remove any trees or bamboos, whether standing or not, and any timber, mats, ropes or other materials found upon such property, and use the same for the purposes of such work.

Every person authorized as mentioned in this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Act XIII of 1877, s. 4: Bom. Act VII of 1879, s. 59. Cf. Act VIII of 1873, s. 64.

Deputy Commissioner to prepare list of persons liable to serve.

15. Subject to such rules as the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, prescribe in this behalf, the Deputy Commissioners of Henthawaddy and Shway-gin shall prepare lists of persons residing in the neighbourhood of the canal in the said districts respectively, and liable to be required under section fourteen to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Act XIII of 1877, s. 5. Cf. Act VIII of 1873, s. 65. Bom. Act VII of 1879, s. 58.

Payment for labour impressed and materials taken.

16. All persons labouring or detained for the purpose of labouring in compliance with a requisition made under section fourteen, or whose materials may be taken under that section, shall, as soon as may be reasonably practicable, be paid by the Canal Officer for their labour and detention, or for such materials (as the case may be), at such rates, not being less than the highest market-rates for similar labour or materials for the time being prevailing in the neighbourhood, as the Chief Commissioner from time to time by written order directs.

Act. XIII of 1877, s. 6.

Compensation for damage done in taking materials.

17. Whenever, from the removal of any trees, bamboos or other materials under section fourteen, any damage over and above the price payable for such materials results directly to any person, the Canal Officer shall pay to such person such sum as may be agreed upon as compensation for such damage, or, in case of dispute

as to the amount so to be paid, as the Deputy Commissioner may award.

Offences and Penalties.

Act VIII of 1873, s. 70.

Offences under Act.

18. Whoever, without proper authority and voluntarily, does any of the acts following, that is to say,—

Clause (1). (1) damages, alters or obstructs the canal;

Clause (2). (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under the canal;

Clause (3). (3) interferes with or alters the flow of water in any river or stream, so as to endanger or damage the canal or render it less useful;

Clause (5). (4) corrupts or fouls the water of the canal, so as to render it less fit for the purposes for which it is ordinarily used;

Clause (6). (5) causes any vessel to enter or navigate the canal contrary to the rules for the time being prescribed by the Chief Commissioner for entering or navigating the canal;

Clause (7). (6) while navigating the canal, neglects to take proper precautions for the safety of the canal and of vessels thereon;

Clause (9). (7) being a person liable to labour under section fourteen, neglects without reasonable cause so to labour;

Clause (10). (8) destroys or moves any land-mark, level-mark or water-gauge fixed by the authority of a Canal Officer;

Clause (11). (9) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of the canal contrary to rules made under this Act, after he has been desired to desist therefrom;

Clause (12). (10) violates any rule made under this Act to the breach whereof the penalty specified in this section has been attached,

Penalty.

shall be punished with fine which may extend to fifty rupees, or with imprisonment which may extend to one month, or with both.

Act VIII of 1873, s. 71.

Saving of prosecution under other laws.

Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Ibid, s. 50.

Recovery of fines for offences in navigating canals.

19. Any fine imposed under this Act upon the owner of any vessel, or the servant or agent of such owner, or any other person in charge of a vessel, for any offence in respect of the navigation of such vessel, may be recovered either in the manner prescribed by the Code of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it were a charge under this Act due in respect of such vessel.

Act VIII of 1873, s. 73.

Power to arrest without warrant.

20. Any person duly authorized in this behalf under section three may remove from the lands or buildings belonging to the canal, or may arrest without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who, within his view, commits any of the offences mentioned in clauses (1), (2) and (3) of section eighteen.

Power to make Rules.

Power to make rules.

21. The Chief Commissioner may, subject to the control of the Governor General in Council, from time to time make rules consistent with this Act to regulate the following matters:—

(1) the navigation of the canal;

(2) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(3) the amount of any tolls leviable under this Act, and

(4) generally to carry out the provisions of this Act.

The Chief Commissioner may, in making any such rule, attach to the breach of it the penalty specified in section eighteen.

Publication of rules.

Such rules shall be published in the Burma Gazette, and shall thereupon have the force of law.

Validation of past Proceedings.

Validation of past proceedings.

22. Anything done before this Act comes into force, which might legally have been done if this Act had been in force, shall be deemed to have been legally done.

STATEMENT OF OBJECTS AND REASONS.

THE Pegu and Sittang Navigation Canal, thirty-nine miles in length, connects the waters of the Pegu and Sittang rivers. The chief objects which the Government had in view in its construction were, to shorten the route between Rangoon and Tounghoo and to enable the river-traffic to avoid the extremely dangerous bore on the Sittang. The canal was constructed partly by utilizing for fourteen miles the natural water-bed of the Ka-ya-zoo creek, and partly by digging an artificial channel. The artificial portion was constructed through waste-lands, in which there were no private rights; and such rights as existed formerly along parts of the Ka-ya-zoo creek have all now been acquired by the Government. The bed and banks of the canal throughout its whole course are, therefore, the property of the Government. In constructing the canal, however, certain water-courses formerly used by the public have been closed. For this reason, as also because it is desirable, for the proper regulation of traffic, the collection of dues and the maintenance of the canal, that the Government should have something more than the authority conferred by its position as proprietor to rely upon, it appears necessary to resort to legislation.

The present Bill, which is based on portions of the Northern India Canal and Drainage Act, 1873, has therefore been prepared. It provides (sections 4 to 9) for the levy of tolls on vessels and rafts navigating the canal, and for the regulation of such navigation.

By sections 10 to 13 certain powers over private lands adjacent to the canal are conferred on Canal-officers, who will be thus enabled to do all acts necessary for the maintenance of the canal.

Lastly, in sections 14 to 17, power has been taken, after the manner of the Northern India Canal and Drainage Act, 1873, Chapter VII, and the Burma Embankment Act, 1877, to obtain forced labour where the immediate execution of works is necessary to prevent such serious damage as will cause sudden and extensive public injury.

The other provisions of the Bill are merely subsidiary to these, and do not call for remark.

The 31st August, 1880.

C. U. AITCHISON.

D. FITZPATRICK,
Secretary to the Govt. of India,
Legislative Department.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1880, and was referred to a Select Committee :—

No. 18 of 1880.

A Bill to enhance the rate of Port-dues leviable at Madras.

Preamble.

WHEREAS it has been determined to construct an artificial harbour for the port of Madras and to defray a portion of the interest on the principal sum expended on the construction of such harbour and of the annual expenses of maintaining the same out of the dues leviable on sea-going vessels of fifteen tons and upwards entering the said port:

And whereas the maximum rate of such dues is fixed by the Indian Ports Act, 1875, section forty-five, and the third part of the first schedule thereto annexed, and the amount of such rate is insufficient to defray such portion of the said interest and expenses in addition to the other charges to meet which the said dues are applicable:

And whereas it is therefore necessary to enhance, to the extent hereinafter mentioned, the maximum rate of dues so leviable;

It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Port-dues Act, 1880"; and

Commencement.

It shall come into force as soon as the said harbour is, in the opinion of the Local Government, open for the use of sea-going vessels of fifteen tons and upwards, and the said Government has published, in the *Fort St. George Gazette*, a notification to that effect.

Amendment of Part III of the first Schedule of Act XII of 1875.

2. In the Indian Ports Act, 1875, first Schedule, Part III, the following amendments shall be made, that is to say :—

(*a*) in the first column the numeral and word "9, Madras" shall be omitted;

(*b*) in the first column, above the heading "*Eastern Group*," the word "Madras" shall be inserted; and

(*c*) opposite the word "Madras" so inserted there shall be inserted—

(1) in the second column the words "sea-going vessels of fifteen tons and upwards"; and

(2) in the third column the words "not exceeding eight 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."

STATEMENT OF OBJECTS AND REASONS.

THE funds requisite for the construction of the artificial harbour at Madras are being advanced by the Government.

It is estimated that the whole cost of the work will amount to Rs. 62,80,000, and it is proposed to raise, by taxation levied on the trade of the port, an annual income sufficient to pay interest at 4 per cent. on this sum, together with Rs. 60,000, the estimated annual charge for maintenance.

Port-dues at the rate of 3 annas (or in the case of coasting vessels 1½ annas) per ton can at present be levied under the Indian Ports Act, 1875, on vessels entering the port, and the simplest mode of raising the requisite income would be by an enhancement of those dues. It is, however, manifest that they could not be enhanced beyond a certain point without injuriously affecting the calling trade of the port, and it has accordingly been determined, after reference to the Madras Chamber of Commerce, that the best course to take will be to raise only a portion of that income in the shape of Port-dues, leaving the rest to be raised by a tax on goods landed and shipped, the precise form of which will be settled hereafter. In accordance with this determination the present Bill has been prepared. It admits of the Port-dues being raised to eight annas per ton, or in the case of vessels employed in the coasting trade and not being steamers to four annas. The additional income which may be obtained by so raising them is estimated at Rs. 1,60,000 per annum.

The Bill is drawn so as not to come into operation till the new harbour is open.

J. GIBBS.

The 1st September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 2, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October, 1880, and was referred to a Select Committee :—

No. 19 of 1880.

A Bill to regulate the traffic on the Madras Irrigation and Canal Company's Canal.

Preamble.

WHEREAS, by the twenty-seventh clause of an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State for India in Council of the one part, and the Madras Irrigation and Canal Company (hereinafter referred to as "the Company") of the other part, it was, amongst other things, provided that the Company should be authorized and empowered to charge such tolls for navigation, and such fares or rates for the conveyance of passengers, animals and goods, as should not exceed the rates, tolls or fares which should be defined and sanctioned by an Act of the Indian legislature, and that the Company should not in any case charge any higher tolls, fares or rates whatsoever; and whereas it is expedient to define and sanction, for the purposes of the said clause, fares and rates for the conveyance of passengers, animals and goods;

And whereas it is also expedient to empower the Company to make rules for the conveyance of passengers, animals and goods upon, and the use, management and working of, its canal; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Irrigation and Canal Company's Act, 1880";

Commencement.

and it shall come into force at once.

Fares and rates for conveyance of passengers and goods.

2. The fares and rates specified in the schedule hereto annexed shall be deemed to be the fares and rates defined and sanctioned for the purposes of the said clause.

Company empowered to make working rules for its canal.

Madras draft, s. 2.

3. The Company may, from time to time, make rules for the following purposes, that is to say :—

(*a*) for licensing vessels (other than those of the Company) to navigate the canal and for registering vessels so licensed and denoting upon each its carrying capacity;

(*b*) for fixing the maximum number of passengers or animals, and the maximum amount of goods, which vessels navigating the canal may carry; and

(*c*) generally for regulating the traffic upon, and the use and management of all vessels upon, the canal.

Penalty for breach of rules.

4. Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to one month.

Notification of rules.

5. All such rules shall, when sanctioned by the Governor of Fort St. George in Council and published in the *Fort St. George Gazette*, have the force of law.

Power to cancel rules.

The said Governor in Council may at any time cancel any such rule.

Copy and translation of Act, &c., to be shown at stations and on vessels.

Madras draft, s. 3.

See Indian Railway Act, 1879.

6. A copy of this Act and the rules made hereunder, and of the Time-table and Tariff of Charges which may from time to time be observed for the Company's vessels navi-

gating the canal, shall be exhibited, both in English and in Telugu, in some conspicuous place at each station of the canal, and in each vessel employed by the Company in conveying passengers, animals or goods over the canal.

Madras draft, s. 4: Indian Railway Act, 1879: Madras draft, s. 23.

Penalty for failure to exhibit copy and translation as required by section 6.

7. Any servant of the Company in charge of any such station or vessel at or in which the provisions of section six are not complied with shall be punished with fine which may extend to ten rupees; and the Company shall forfeit to Government the sum of fifty rupees for every day during which such provisions are not complied with at or in any such station or vessel.

Ibid., s. 50.

Place of trial.

8. Any person committing any offence against this Act or the rules made under it shall be triable for such offence at any place at which he may be, or which the Governor of Fort St. George in Council may, from time to time, by notification in the offieial Gazette, direct, as well as in any other place in which he might be tried under any law for the time being in force.

Ibid., s. 51.

Saving of prosecutions under other laws.

9. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

THE SCHEDULE.

(See section 2.)

Fares and Rates.

PASSENGERS.

		Pies.
First class, per passenger, per mile or fraction of a mile	...	14·4
Second class, per ditto, ditto	...	5·6
Third class, per ditto, ditto { Mail (fast)		3·2
Third class, per ditto, ditto { Ordinary		2·0

ANIMALS.

		Pies.
A horse or mule taken singly, per mile or fraction of a mile	...	14·4

		Annas.
Cattle, horses and mules, per 10 or fraction of 10, per ditto	...	6·0
Calves needing only half the space of a cow to be reckoned as half.		
Sheep, goats and pigs, per 60 or fraction of 60, per ditto ...	...	6·0
Asses, half the rates for horses.		

N.B.—Dogs, if conveyed at all, will not be charged for, no accommodation being provided for them.

Elephants and camels will not be conveyed at all.

GOODS.

Heavy Goods, i.e., *Goods weighing above* 180 *lbs.*

		Pies.
First class (which includes all articles for the time being comprised in the special and first classes, Madras Railway) per ton, per mile or fraction of a mile	...	7·2
Second class (which includes all articles for the time being comprised in the second and third classes, Madras Railway) per ditto ditto	...	12·8
Third class (which includes all articles for the time being comprised in the fourth and fifth classes, Madras Railway) per ditto ditto		24·0

Fractions of a ton will be charged for proportionately, fractions of 20 lbs. being reckoned as 20 lbs.

N.B.—Carriages or vehicles will not be conveyed.

Parcels.

Distance.	Exclusive of collection and delivery.										
	10 lbs. and under.	Above 10 and not above 20 lbs.	Above 20 and not above 40 lbs.	Above 40 and not above 60 lbs.	Above 60 and not above 80 lbs.	Above 80 and not above 100 lbs.	Above 100 and not above 120 lbs.	Above 120 and not above 140 lbs.	Above 140 and not above 160 lbs.	Above 160 and not above 180 lbs.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
50 miles and under ...	0 2 6	0 3 9	0 5 0	0 6 3	0 7 6	0 8 9	0 10 0	0 11 3	0 12 6	0 13 9
Above 50 and not above 100 miles	0 5 0	0 7 6	0 10 0	0 12 6	0 15 0	1 1 6	1 4 0	1 6 6	1 9 0	1 11 6
„ 100 „ 150 „	0 7 6	0 11 3	0 15 0	1 2 9	1 6 6	1 10 3	1 14 0	2 1 9	2 5 6	2 9 3
„ 150 „ 200 „	0 10 0	0 15 0	1 4 0	1 9 0	1 14 0	2 3 0	2 8 0	2 13 0	3 2 0	3 7 0

The rates for bread, meat, fish, poultry (dead or alive), ice, fruit, plants, vegetables and flowers will be half parcel-rates as shown above.

STATEMENT OF OBJECTS AND REASONS.

BY clause twenty-seven of an Indenture made on the third day of June, 1863, between the Secretary of State for India in Council and the Madras Irrigation and Canal Company, it was provided that the Company should be authorized and empowered to charge, in the event of its navigating any of the canals to which the Indenture referred, such fares or rates for the conveyance of passengers, animals and goods as should not exceed the fares or rates which should be defined and sanctioned by an Act of the Indian legislature, and that the Company

should not in any case charge any higher fares or rates whatsoever. The Madras Irrigation and Canal Company now desires to navigate its canal, and the present Bill has therefore been prepared to fix the maximum amount of the fares and rates for the conveyance of passengers, animals and goods.

The opportunity has also been taken of empowering the Company (as Railway-Administrations are empowered under the Indian Railway Act, 1879) to make general rules for the management and working of its canal, and to prescribe a penalty not exceeding a fine of fifty rupees, or, in default of payment of such fine, simple imprisonment for a term not exceeding one month, for the breach of any such rule.

J. GIBBS.

The 24th September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October, 1880, and was referred to a Select Committee :—

No. 20 of 1880.

A Bill to provide for certain matters relating to Securities of the Government of India.

Preamble.

WHEREAS the Governor General in Council has determined to issue, in respect of the four and a half per cent. loan of 1880, certificates declaring the bearers thereof entitled to the principal sums specified therein, and coupons for the interest payable on such principal sums;

and whereas the Governor General in Council may from time to time desire to issue like certificates, with or without like coupons, in respect of other loans;

and whereas it is expedient to declare the mode in which the title to such certificates and coupons shall be transferable;

and whereas it is also expedient to provide for certain other matters relating to all securities of the Government of India; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Indian Securities Act, 1880"; and shall come into force at once.

"Government securities."

2. In this Act, "Government securities" includes promissory notes, debentures, loan-certificates, coupons and all other securities issued by the Government of India, whether before or after the passing of this Act.

Certificates and coupons may be transferred and discharged like promissory notes payable to bearer.

26 & 27 Vic., c. 73, s. 5: 33 & 34 Vic., c. 71, s. 32.

3. Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of such loan, the title to such certificate or coupon may be transferred, and, on payment, by or on behalf of the Government, to the bearer of such certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if such certificate or coupon were a promissory note payable to bearer.

No notice of trust.

26 & 27 Vic., c. 73, s. 5, para. 6: 33 & 34 Vic., c. 71, s. 30.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Indorser of Government security not liable for amount thereof.

5. No person shall, merely by reason of his having endorsed any Government security, be liable to pay any money due, whether on account of principal or interest, thereunder.

Signature to Government securities may be printed, &c.

16 & 17 Vic., c. 2.

6. The signature of the officer of the Government of India authorized to sign any Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on such securities.

Any such signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if the same had been subscribed in the proper handwriting of such officer.

STATEMENT OF OBJECTS AND REASONS.

THE Government of India has determined to issue loan-certificates payable to bearer with coupons attached in lieu of promissory notes in the case of the 4½ per cent. loan of 1880, and it is not improbable that it will desire to issue similar certificates in the case of other loans. As the English law relating to such certificates and coupons is at present in process of development, and as it is, accordingly, by no means certain what legal incidents a Court would attach to these documents, it has been deemed advisable to provide by legislation for two points on which it is essential that the law should be definitely fixed. These are—

(*a*) that they shall be transferable by delivery;

(*b*) that payment to the bearer of the amount expressed in them shall be a full discharge to the Government.

In enacting these provisions the Bill follows the precedent of the Acts of Parliament relating to English stock-certificates (33 & 34 Vic., c. 71, s. 32, paragraph 1, and s. 35, paragraph 2) and India stock-certificates (26 & 27 Vic., c. 73, s. 5, paragraphs 4 and 7).

2. The opportunity has also been taken to provide for certain other matters in relation to all Government securities in regard to which the need for legislation has been brought before Government.

It is desirable that the Government should be empowered by law to decline to notice endorsements of Government securities involving a trust. This is in practice done at present; but as there are doubts as to how far the Courts might uphold such practice, the Bill provides specifically (section 4) that no notice of any trust in respect of any security of the Government of India shall be receivable by the Government. In this case also we have a precedent in the Acts of Parliament above-mentioned, see section 5, paragraph 6, of the former, and section 30 of the latter Act.

3. Another section (5) of the Bill, which provides that no one endorsing a Government security shall incur any liability thereby, has been introduced to remove a doubt which has been felt in some quarters as to the legal effects of such endorsement.

4. Lastly, the Bill provides that the signatures to Government securities might be printed, engraved, lithographed or impressed by other mechanical process. The convenience of such an arrangement in the interest of the public service is obvious.. The 16 & 17 Vic., c. 2, allows the signature to the Bank of England notes to be impressed by machinery.

WHITLEY STOKES.

The 29th September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 9, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October, 1880, and was referred to a Select Committee :—

No. 19 of 1880.

A Bill to regulate the traffic on the Madras Irrigation and Canal Company's Canal.

Preamble.

WHEREAS, by the twenty-seventh clause of an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State for India in Council of the one part, and the Madras Irrigation and Canal Company (hereinafter referred to as "the Company") of the other part, it was, amongst other things, provided that the Company should be authorized and empowered to charge such tolls for navigation, and such fares or rates for the conveyance of passengers, animals and goods, as should not exceed the rates, tolls or fares which should be defined and sanctioned by an Act of the Indian legislature, and that the Company should not in any case charge any higher tolls, fares or rates whatsoever; and whereas it is expedient to define and sanction, for the purposes of the said clause, fares and rates for the conveyance of passengers, animals and goods;

And whereas it is also expedient to empower the Company to make rules for the conveyance of passengers, animals and goods upon, and the use, management and working of, its canal; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Irrigation and Canal Company's Act, 1880";

Commencement.

and it shall come into force at once.

Fares and rates for conveyance of passengers and goods.

2. The fares and rates specified in the schedule hereto annexed shall be deemed to be the fares and rates defined and sanctioned for the purposes of the said clause.

Company empowered to make working rules for its canal.

Madras draft, s. 2.

3. The Company may, from time to time, make rules for the following purposes, that is to say :—

(*a*) for licensing vessels (other than those of the Company) to navigate the canal and for registering vessels so licensed and denoting upon each its carrying capacity;

(*b*) for fixing the maximum number of passengers or animals, and the maximum amount of goods, which vessels navigating the canal may carry; and

(*c*) generally for regulating the traffic upon, and the use and management of all vessels upon, the canal.

Penalty for breach of rules.

4. Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to one month.

Notification of rules.

5. All such rules shall, when sanctioned by the Governor of Fort St. George in Council and published in the *Fort St. George Gazette*, have the force of law.

Power to cancel rules.

The said Governor in Council may at any time cancel any such rule.

Copy and translation of Act, &c., to be shown at stations and on vessels.

Madras draft, s. 3.

See Indian Railway Act, 1879.

6. A copy of this Act and the rules made hereunder, and of the Time-table and Tariff of Charges which may from time to time be observed for the Company's vessels navi-

gating the canal, shall be exhibited, both in English and in Telugu, in some conspicuous place at each station of the canal, and in each vessel employed by the Company in conveying passengers, animals or goods over the canal.

Madras draft, s. 4: Indian Railway Act, 1879: Madras draft, s. 23.

Penalty for failure to exhibit copy and translation as required by section 6.

7. Any servant of the Company in charge of any such station or vessel at or in which the provisions of section six are not complied with shall be punished with fine which may extend to ten rupees; and the Company shall forfeit to Government the sum of fifty rupees for every day during which such provisions are not complied with at or in any such station or vessel.

Ibid., s. 50.

Place of trial.

8. Any person committing any offence against this Act or the rules made under it shall be triable for such offence at any place at which he may be, or which the Governor of Fort St. George in Council may, from time to time, by notification in the official Gazette, direct, as well as in any other place in which he might be tried under any law for the time being in force.

Ibid., s. 51.

Saving of prosecutions under other laws.

9. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

THE SCHEDULE.

(See section 2.)

Fares and Rates.

PASSENGERS.

		Pies.
First class, per passenger, per mile or fraction of a mile	...	14·4
Second class, per ditto, ditto	...	5·6
Third class, per ditto, ditto	Mail (fast)	3·2
	Ordinary	2·0

ANIMALS.

	Pies.
A horse or mule taken singly, per mile or fraction of a mile ...	14·4
	Annas.
Cattle, horses and mules, per 10 or fraction of 10, per ditto ...	6·0
Calves needing only half the space of a cow to be reckoned as half.	
Sheep, goats and pigs, per 60 or fraction of 60, per ditto	6·0
Asses, half the rates for horses.	

N.B.—Dogs, if conveyed at all, will not be charged for, no accommodation being provided for them.

Elephants and camels will not be conveyed at all.

GOODS.

Heavy Goods, i.e., *Goods weighing above* 180 *lbs.*

	Pies.
First class (which includes all articles for the time being comprised in the special and first classes, Madras Railway) per ton, per mile or fraction of a mile ...	7·2
Second class (which includes all articles for the time being comprised in the second and third classes, Madras Railway) per ditto ditto ...	12·8
Third class (which includes all articles for the time being comprised in the fourth and fifth classes, Madras Railway) per ditto ditto	24·0

Fractions of a ton will be charged for proportionately, fractions of 20 lbs. being reckoned as 20 lbs.

N.B.—Carriages or vehicles will not be conveyed.

Parcels.

Distance.	Exclusive of collection and delivery.									
	10 lbs. and under.	Above 10 and not above 20 lbs.	Above 20 and not above 40 lbs.	Above 40 and not above 60 lbs.	Above 60 and not above 80 lbs.	Above 80 and not above 100 lbs.	Above 100 and not above 120 lbs.	Above 120 and not above 140 lbs.	Above 140 and not above 160 lbs.	Above 160 and not above 180 lbs.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
50 miles and under ...	0 2 6	0 3 9	0 5 0	0 6 3	0 7 6	0 8 9	0 10 0	0 11 3	0 12 6	0 13 9
Above 50 and not above 100 miles	0 5 0	0 7 6	0 10 0	0 12 6	0 15 0	1 1 6	1 4 0	1 6 6	1 9 0	1 11 6
„ 100 „ 150 „	0 7 6	0 11 3	0 15 0	1 2 9	1 6 6	1 10 3	1 14 0	2 1 9	2 5 6	2 9 3
„ 150 „ 200 „	0 10 0	0 15 0	1 4 0	1 9 0	1 14 0	2 3 0	2 8 0	2 13 0	3 2 0	3 7 0

The rates for bread, meat, fish, poultry (dead or alive), ice, fruit, plants, vegetables and flowers will be half parcel-rates as shown above.

STATEMENT OF OBJECTS AND REASONS.

BY clause twenty-seven of an Indenture made on the third day of June, 1863, between the Secretary of State for India in Council and the Madras Irrigation and Canal Company, it was provided that the Company should be authorized and empowered to charge, in the event of its navigating any of the canals to which the Indenture referred, such fares or rates for the conveyance of passengers, animals and goods as should not exceed the fares or rates which should be defined and sanctioned by an Act of the Indian legislature, and that the Company

should not in any case charge any higher fares or rates whatsoever. The Madras Irrigation and Canal Company now desires to navigate its canal, and the present Bill has therefore been prepared to fix the maximum amount of the fares and rates for the conveyance of passengers, animals and goods.

The opportunity has also been taken of empowering the Company (as Railway-Administrations are empowered under the Indian Railway Act, 1879) to make general rules for the management and working of its canal, and to prescribe a penalty not exceeding a fine of fifty rupees, or, in default of payment of such fine, simple imprisonment for a term not exceeding one month, for the breach of any such rule.

J. GIBBS.

The 24th September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October, 1880, and was referred to a Select Committee :—

No. 20 of 1880.

A Bill to provide for certain matters relating to Securities of the Government of India.

Preamble.

WHEREAS the Governor General in Council has determined to issue, in respect of the four and a half per cent. loan of 1880, certificates declaring the bearers thereof entitled to the principal sums specified therein, and coupons for the interest payable on such principal sums;

and whereas the Governor General in Council may from time to time desire to issue like certificates, with or without like coupons, in respect of other loans;

and whereas it is expedient to declare the mode in which the title to such certificates and coupons shall be transferable;

and whereas it is also expedient to provide for certain other matters relating to all securities of the Government of India; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called "The Indian Securities Act, 1880"; and shall come into force at once.

"Government securities."

2. In this Act, "Government securities" includes promissory notes, debentures, loan-certificates, coupons and all other securities issued by the Government of India, whether before or after the passing of this Act.

Certificates and coupons may be transferred and discharged like promissory notes payable to bearer.

26 & 27 Vic., c. 73, s. 5: 33 & 34 Vic., c. 71, s. 32.

3. Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of such loan, the title to such certificate or coupon may be transferred, and, on payment, by or on behalf of the Government, to the bearer of such certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if such certificate or coupon were a promissory note payable to bearer.

No notice of trust.

26 & 27 Vic., c. 73, s. 5, para. 6: 33 & 34 Vic., c. 71, s. 30.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Indorser of Government security not liable for amount thereof.

5. No person shall, merely by reason of his having endorsed any Government security, be liable to pay any money due, whether on account of principal or interest, thereunder.

Signature to Government securities may be printed, &c.

16 & 17 Vic., c. 2.

6. The signature of the officer of the Government of India authorized to sign any Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on such securities.

Any such signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if the same had been subscribed in the proper handwriting of such officer.

STATEMENT OF OBJECTS AND REASONS.

THE Government of India has determined to issue loan-certificates payable to bearer with coupons attached in lieu of promissory notes in the case of the 4½ per cent. loan of 1880, and it is not improbable that it will desire to issue similar certificates in the case of other loans. As the English law relating to such certificates and coupons is at present in process of development, and as it is, accordingly, by no means certain what legal incidents a Court would attach to these documents, it has been deemed advisable to provide by legislation for two points on which it is essential that the law should be definitely fixed. These are—

(*a*) that they shall be transferable by delivery;

(*b*) that payment to the bearer of the amount expressed in them shall be a full discharge to the Government.

In enacting these provisions the Bill follows the precedent of the Acts of Parliament relating to English stock-certificates (33 & 34 Vic., c. 71, s. 32, paragraph 1, and s. 35, paragraph 2) and India stock-certificates (26 & 27 Vic., c. 73, s. 5, paragraphs 4 and 7).

2. The opportunity has also been taken to provide for certain other matters in relation to all Government securities in regard to which the need for legislation has been brought before Government.

It is desirable that the Government should be empowered by law to decline to notice endorsements of Government securities involving a trust. This is in practice done at present; but as there are doubts as to how far the Courts might uphold such practice, the Bill provides specifically (section 4) that no notice of any trust in respect of any security of the Government of India shall be receivable by the Government. In this case also we have a precedent in the Acts of Parliament above-mentioned, see section 5, paragraph 6, of the former, and section 30 of the latter Act.

3. Another section (5) of the Bill, which provides that no one endorsing a Government security shall incur any liability thereby, has been introduced to remove a doubt which has been felt in some quarters as to the legal effects of such endorsement.

4. Lastly, the Bill provides that the signatures to Government securities might be printed, engraved, lithographed or impressed by other mechanical process. The convenience of such an arrangement in the interest of the public service is obvious.. The 16 & 17 Vic., c. 2, allows the signature to the Bank of England notes to be impressed by machinery.

WHITLEY STOKES.

The 29th September, 1880.

D. FITZPATRICK,
Secy. to the Govt. of India.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October, 1880, and was referred to a Select Committee :—

No. 20 of 1880.

A Bill to provide for certain matters relating to Securities of the Government of India.

Preamble.

WHEREAS the Governor General in Council has determined to issue, in respect of the four and a half per cent. loan of 1880, certificates declaring the bearers thereof entitled to the principal sums specified therein, and coupons for the interest payable on such principal sums;

and whereas the Governor General in Council may from time to time desire to issue like certificates, with or without like coupons, in respect of other loans;

and whereas it is expedient to declare the mode in which the title to such certificates and coupons shall be transferable;

and whereas it is also expedient to provide for certain other matters relating to all securities of the Government of India; It is hereby enacted as follows:—

Short title.

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No notice of trust.

26 & 27 Vic., c. 73, s. 5, para. 6: 33 & 34 Vic., c. 71, s. 30.

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(*a*) that they shall be transferable by delivery;

(*b*) that payment to the bearer of the amount expressed in them shall be a full discharge to the Government.

In enacting these provisions the Bill follows the precedent of the Acts of Parliament relating to English stock-certificates (33 & 34 Vic., c. 71, s. 32, paragraph 1, and s. 35, paragraph 2) and India stock-certificates (26 & 27 Vic., c. 73, s. 5, paragraphs 4 and 7).

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It is desirable that the Government should be empowered by law to decline to notice endorsements of Government securities involving a trust. This is in practice done at present; but as there are doubts as to how far the Courts might uphold such practice, the Bill provides specifically (section 4) that no notice of any trust in respect of any security of the Government of India shall be receivable by the Government. In this case also we have a precedent in the Acts of Parliament above-mentioned, see section 5, paragraph 6, of the former, and section 30 of the latter Act.

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The 29th September, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 16, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October, 1880, and was referred to a Select Committee :—

No. 19 of 1880.

A Bill to regulate the traffic on the Madras Irrigation and Canal Company's Canal.

Preamble.

WHEREAS, by the twenty-seventh clause of an Indenture made on the third day of June, one thousand eight hundred and sixty-three, between the Secretary of State for India in Council of the one part, and the Madras Irrigation and Canal Company (hereinafter referred to as "the Company") of the other part, it was, amongst other things, provided that the Company should be authorized and empowered to charge such tolls for navigation, and such fares or rates for the conveyance of passengers, animals and goods, as should not exceed the rates, tolls or fares which should be defined and sanctioned by an Act of the Indian legislature, and that the Company should not in any case charge any higher tolls, fares or rates whatsoever; and whereas it is expedient to define and sanction, for the purposes of the said clause, fares and rates for the conveyance of passengers, animals and goods;

And whereas it is also expedient to empower the Company to make rules for the conveyance of passengers, animals and goods upon, and the use, management and working of, its canal; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Madras Irrigation and Canal Company's Act, 1880";

Commencement.

and it shall come into force at once.

Fares and rates for conveyance of passengers and goods.

2. The fares and rates specified in the schedule hereto annexed shall be deemed to be the fares and rates defined and sanctioned for the purposes of the said clause.

Company empowered to make working rules for its canal.

Madras draft, s. 2.

3. The Company may, from time to time, make rules for the following purposes, that is to say :—

(*a*) for licensing vessels (other than those of the Company) to navigate the canal and for registering vessels so licensed and denoting upon each its carrying capacity;

(*b*) for fixing the maximum number of passengers or animals, and the maximum amount of goods, which vessels navigating the canal may carry; and

(*c*) generally for regulating the traffic upon, and the use and management of all vessels upon, the canal.

Penalty for breach of les.

4. Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to one month.

Notification of rules.

5. All such rules shall, when sanctioned by the Governor of Fort St. George in Council and published in the *Fort St. George Gazette*, have the force of law.

Power to cancel rules.

The said Governor in Council may at any time cancel any such rule.

Copy and translation of Act, &c., to be shown at stations and on vessels.

Madras draft, s. 3. See Indian Railway Act, 1879.

6. A copy of this Act and the rules made hereunder, and of the Time-table and Tariff of Charges which may from time to time be observed for the Company's vessels navi-

gating the canal, shall be exhibited, both in English and in Telugu, in some conspicuous place at each station of the canal, and in each vessel employed by the Company in conveying passengers, animals or goods over the canal.

Madras draft, s. 4: Indian Railway Act, 1879: Madras draft, s. 23.

Penalty for failure to exhibit copy and translation as required by section 6.

7. Any servant of the Company in charge of any such station or vessel at or in which the provisions of section six are not complied with shall be punished with fine which may extend to ten rupees; and the Company shall forfeit to Government the sum of fifty rupees for every day during which such provisions are not complied with at or in any such station or vessel.

Ibid., s. 50.

Place of trial.

8. Any person committing any offence against this Act or the rules made under it shall be triable for such offence at any place at which he may be, or which the Governor of Fort St. George in Council may, from time to time, by notification in the official Gazette, direct, as well as in any other place in which he might be tried under any law for the time being in force.

Ibid., s. 51.

Saving of prosecutions under other laws.

9. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

THE SCHEDULE.

(See section 2.)

Fares and Rates.

PASSENGERS.

	Pies.
First class, per passenger, per mile or fraction of a mile ...	14·4
Second class, per ditto, ditto ...	5·6
Third class, per ditto, ditto { Mail (fast)	3·2
Third class, per ditto, ditto { Ordinary	2·0

ANIMALS.

	Pies.
A horse or mule taken singly, per mile or fraction of a mile ...	14·4
	Annas.
Cattle, horses and mules, per 10 or fraction of 10, per ditto ...	6·0
Calves needing only half the space of a cow to be reckoned as half.	
Sheep, goats and pigs, per 60 or fraction of 60, per ditto	6·0
Asses, half the rates for horses.	

N.B.—Dogs, if conveyed at all, will not be charged for, no accommodation being provided for them.

Elephants and camels will not be conveyed at all.

GOODS.

Heavy Goods, i.e., *Goods weighing above* 180 *lbs.*

	Pies.
First class (which includes all articles for the time being comprised in the special and first classes, Madras Railway) per ton, per mile or fraction of a mile ...	7·2
Second class (which includes all articles for the time being comprised in the second and third classes, Madras Railway) per ditto ditto ...	12·8
Third class (which includes all articles for the time being comprised in the fourth and fifth classes, Madras Railway) per ditto ditto	24·0

Fractions of a ton will be charged for proportionately, fractions of 20 lbs. being reckoned as 20 lbs.

N.B.—Carriages or vehicles will not be conveyed.

Parcels.

Distance.	Exclusive of collection and Delivery.									
	10 lbs. and under.	Above 10 and not above 20 lbs.	Above 20 and not above 40 lbs.	Above 40 and not above 60 lbs.	Above 60 and not above 80 lbs.	Above 80 and not above 100 lbs.	Above 100 and not above 120 lbs.	Above 120 and not above 140 lbs.	Above 140 and not above 160 lbs.	Above 160 and not above 180 lbs.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
50 miles and under ...	0 2 6	0 3 9	0 5 0	0 8 3	0 7 6	0 8 9	0 10 0	0 11 3	0 12 6	0 13 9
Above 50 and not above 100 miles	0 5 0	0 7 6	0 10 0	0 12 6	0 15 0	1 1 6	1 4 0	1 6 6	1 9 0	1 11 6
„ 100 „ 150 „	0 7 6	0 11 3	0 15 0	1 2 9	1 6 6	1 10 3	1 14 0	2 1 9	2 5 6	2 9 3
„ 150 „ 200 „	0 10 0	0 15 0	1 4 0	1 9 0	1 14 0	2 3 0	2 8 0	2 13 0	3 2 0	3 7 0

The rates for bread, meat, fish, poultry (dead or alive), ice, fruit, plants, vegetables and flowers will be half parcel-rates as shown above.

STATEMENT OF OBJECTS AND REASONS.

BY clause twenty-seven of an Indenture made on the third day of June, 1863, between the Secretary of State for India in Council and the Madras Irrigation and Canal Company, it was provided that the Company should be authorized and empowered to charge, in the event of its navigating any of the canals to which the Indenture referred, such fares or rates for the conveyance of passengers, animals and goods as should not exceed the fares or rates which should be defined and sanctioned by an Act of the Indian legislature, and that the Company

should not in any case charge any higher fares or rates whatsoever. The Madras Irrigation and Canal Company now desires to navigate its canal, and the present Bill has therefore been prepared to fix the maximum amount of the fares and rates for the conveyance of passengers, animals and goods.

The opportunity has also been taken of empowering the Company (as Railway-Administrations are empowered under the Indian Railway Act, 1879) to make general rules for the management and working of its canal, and to prescribe a penalty not exceeding a fine of fifty rupees, or, in default of payment of such fine, simple imprisonment for a term not exceeding one month, for the breach of any such rule.

J. GIBBS.

The 24th September, 1880.

D. FITZPATRICK,
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The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 13, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor General :—

THE INDIAN TRUSTS BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
   Savings.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

OF THE CREATION OF TRUSTS.

4. Lawful purpose.
5. Trust of immoveable property.
   Trust of moveable property.
6. Creation of trust.
7. Who may create trust.
8. Subject of trust.
9. Who may be beneficiary.
   Disclaimer by beneficiary.
10. Who may be trustee.
    No one bound to accept a trust.
    Acceptance of trust.
    Disclaimer of trust.

CHAPTER III.

OF THE RIGHTS AND LIABILITIES OF TRUSTEES.

11. Trustee to execute trust.
12. Trustee to inform himself of state of trust-property.
13. Trustee to protect title to trust-property.
14. Trustee not to set-up title adverse to beneficiary.
15. Care required from trustee.
16. Conversion of perishable property.
17. Trustee to be impartial.
18. Trustee to prevent waste.
19. Accounts and information.
20. Investment of trust-money.
    Mortgage of land pledged to Government under Act XXVI of 1871.
    Deposit in Government Savings Bank.
21. Sale by trustee directed to sell within specified time.
22. Transfer to beneficiary on completion of purpose.
23. Liability for breach of trust.
24. No set-off allowed to trustee.
25. Non-liability for predecessor's default.
26. Non-liability for co-trustee's default.
    Joining in receipt for conformity.
27. Several liability of co-trustees.
    Contribution as between co-trustees.
28. Non-liability of trustee paying without notice of transfer by beneficiary.
29. Liability of trustee where beneficiary's interest is forfeited to Government.
30. Indemnity of trustees.

SECTIONS.

CHAPTER IV.

OF THE RIGHTS AND POWERS OF TRUSTEES.

31. Right to title-deeds.
32. Right to reimbursement of expenses.
Right to be recouped for erroneous overpayment.
33. Right to indemnity from gainer by breach of trust.
34. Right to apply to Court for opinion in management of trust-property.
35. Right to settlement of accounts.
36. General authority of trustee.
37. Power to sell in lots, and either by public auction or private contract.
38. Power to sell under special conditions.
Power to buy-in and re-sell.
Time allowed for selling trust-property.
39. Power to convey.
40. Power to vary investments.
41. Power to apply property of minors, &c., for their maintenance, &c.
42. Power to give receipts.
43. Power to several trustees of whom one disclaims or dies.
44. Suspension of trustee's powers by decree.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

45. Trustee cannot renounce after acceptance.
46. Trustee cannot delegate.
47. Co-trustees cannot act singly.
48. Control of discretionary power.
49. Trustee may not charge for services.
50. Trustee may not use trust-property for his own profit.
51. Trustee for sale or his agent may not buy.
52. Trustee may not buy beneficiary's interest without permission.
Trustee for purchase.
53. Co-trustees may not lend to one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

54. Rights to rents and profits.
55. Right to specific execution.
Right to transfer of possession.
56. Right to inspect and take copies of instrument of trust, accounts, &c.
57. Right to transfer beneficial interest.
58. Right to sue for execution of trust.
59. Right to proper trustees.
60. Right to compel to any act of duty.
61. Wrongful purchase by trustee.
62. Following trust-property—
into the hands of third persons;
into that into which it has been converted.
63. Acquisition by trustee of trust-property wrongfully converted.
64. Wrongful employment of trust-funds in trade.
65. Right in case of blended property.
66. Wrongful employment by partner-trustee of trust-property for partnership purposes.
67. Liability of beneficiary joining in breach of trust.
68. Rights and liabilities of beneficiary's transferee.

SECTIONS.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

69. Office how vacated.
70. Discharge of trustee.
71. Petition to be discharged from trust.
72. Appointment of new trustees on death, &c.
73. Appointment by Court.
Rule for selecting new trustees.
74. Vesting of trust-property in new trustees.
Powers of new trustees.
75. Survival of trust.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

76. Trust how extinguished.
77. Revocation of trust.
78. Revocation not to defeat what trustees have duly done.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

79. Where obligation in nature of trust is created.
80. Where it does not appear that transferor intended to dispose of beneficial interest.
81. Transfer to one for consideration paid by another.
82. Trust incapable of execution or executed without exhausting trust-property.
83. Transfer for illegal purpose.
84. Bequest for illegal purpose.
Bequest of which revocation is prevented by coercion.
85. Transfer pursuant to rescindible contract.
86. Transfer in fraud of transferor's creditors.
87. Debtor becoming creditor's representative.
88. Advantage gained by fiduciary.
89. Advantage gained by exercise of undue influence.
90. Advantage gained by qualified owner.
91. Property acquired with notice of existing contract.
92. Purchase by person contracting to buy property to be held on trust.
93. Advantage secretly gained by one of several compounding creditors.
94. Constructive trusts in cases not expressly provided for.
95. Obligor's duties, liabilities and disabilities.
96. Saving of rights of *bonâ fide* purchasers.

THE SCHEDULE.

A Bill to define and amend the law relating to Private Trusts and Trustees.

Preamble.

WHEREAS it is expedien to define and amend the law relating to private trusts and trustees; It is hereby enacted as follows:—

Trusts in India of various kinds, 18 W. R. (P.C.) 359. Trusts for benefit of creditors, 1 Bomb. 233: 9 Bomb. 249: 10 Bomb. 327. Trustee misapplying trust-funds, Suth. F. B. 60.

CHAPTER I.

PRELIMINARY.

Short Title.

1. This Act may be called "The Indian Trusts Act, 1882": and it shall

Commencement.

come into force on the first day of March 1882.

Local extent.

It extends to the whole of British India; but nothing herein contained affects the rules of Muhammadan

Savings.

law as to *waqf*, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, or to trusts to distribute prizes taken in war among the captors; and nothing in the second chapter of this Act applies to trusts created before the said day.

As to family religious trusts, 10 Beng. 19: Norton, II, 406. As to Pagoda-trustees, see 1 Mad. 415: 7 Mad. 77: Act XX of 3. Property purchased in name of an idol, 15 Beng. 176.

Repeal of enactments.

2. On and from that day the Statutes and Acts mentioned in the Schedule hereto annexed shall be repealed to the extent therein mentioned.

Interpretation clause.

3. A "trust" is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner or declared and accepted by him, for the benefit of another, or of another and the owner:

"trust":

"author of the trust":

the person who reposes or declares the confidence is called the "author of the trust": the person who accepts the confidence is called the "trustee": the person for whose benefit the confidence is accepted is called the "beneficiary": the subject-matter of the trust is called "trust-property," or "trust-money": the "beneficial interest" or "interest" of the beneficiary is his right against the trustee as owner of the trust-property; and the instrument, if any, by which the trust is declared is called the "instrument of trust:"

"trustee":

"beneficiary":

"trust-property":

"instrument of trust":

"breach of trust":

a breach of any duty imposed on a trustee, as such, by any law for the time being in force, is called a "breach of trust":

"registered":

and in this Act, unless there be something repugnant in the subject or context, "registered" means registered under the law for the registration of documents for the time being in force: a person is said to have "notice" of a fact either when he actually knows that fact or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229; and all expressions used herein and defined in the Indian Contract Act, 1872, shall be deemed to have the meanings respectively attributed to them by that Act.

"notice."

Expressions defined in Act IX of 1872.

e. g., 'fraud,' s. 27, *infra*.

CHAPTER II.

OF THE CREATION OF TRUSTS.

Lawful purpose.

4. A trust may be created for any lawful purpose. The purpose of a trust is lawful unless it is (*a*) forbidden by law, or (*b*) is of such a nature that, if permitted, it would defeat the provisions of any law, or (*c*) is fraudulent, or (*d*) involves or implies injury to the person or property of another, or (*e*) the Court regards it as immoral or opposed to public policy.

9 Beng. 377: Act IX of 1872, s. 23. Beng. Reg. II of 1793, s. 19, forbids Collectors to make their subordinates their trustees. Perpetuity, 14 Beng. 175.

Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

Explanation.—In this section, the expression "law" includes, where the trust-property is immoveable and situate in a foreign country, the law of such country.

See *Nelson* v. *Bridport*, 8 Beav. 547.

Illustrations.

(*a*). A conveys property to B in trust to apply the profits to the nurture of female foundlings to be trained up as prostitutes. The trust is void.

(*b*). A conveys property to B in trust for C for his life, and after his death to D for his life, and after D's death to such of the sons of D as shall first attain the age of twenty-five. A, B, C and D are persons to whom the Indian Succession Act, 1865, applies. The trust after D's death is void.

Act X of 1865, s. 101.

(*c*). A bequeathes property to B in trust to employ it in carrying on a smuggling business, and out of the profits thereof to support A's children. The trust is void.

(*d*). A, while in insolvent circumstances, transfers property to B in trust for A during his life, and after his death for B. A is declared an insolvent. The trust for A is invalid as against his creditors.

Trust of immoveable property.

5. No trust in relation to immoveable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or by the will of the author of the trust or of the trustee.

Trust of moveable property.

No trust in relation to moveable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

These rules do not apply where they would operate so as to effectuate a fraud.

Creation of trust.

6. Subject to the provisions of section five, a trust is created when the author of the trust indicates with reasonable certainty by any words or acts (*a*) an intention on his part to create thereby a trust, (*b*) the purpose of the trust, (*c*) the beneficiary, and (*d*) the trust-property, and (unless the trust is declared by will, or the author of the trust is himself to be the trustee) transfers the trust-property to the trustee.

Whether voluntary declaration of trust is binding against Hindú declarant, 4 Mad. 462. Transmutation of possession unnecessary, 2 Bomb. 143 (a Pársi case): Act I of 1877, s. 3: See 7 Bomb. A. C. J. 149.

Illustrations.

(*a*). A bequeathes certain property to B, "having the fullest confidence that he will dispose of it for the benefit of" C. This creates a trust so far as regards A and C.

(*b*). A bequeathes certain property to B, "hoping he will continue it in the family." This does not create a trust, as the beneficiary is not indicated with reasonable certainty.

(*c*). A bequeathes certain property to B, requesting him to distribute it amongst such members of C's family as B should think most deserving. This does not create a trust, for the beneficiaries are not indicated with reasonable certainty.

(*d*). A bequeathes certain property to B, desiring him to divide the bulk of it among C's children. This does not create a trust, for the trust-property is not indicated with sufficient certainty.

(*e*). A bequeathes a shop and stock-in-trade to B, on condition that he pays A's debts and a legacy to C. This is a condition, not a trust for A's creditors and C.

Who may create trusts.

7. A trust may be created—

(*a*) by every person competent to contract, and

(*b*) with the permission of a principal Civil Court of original jurisdiction, by or on behalf of a minor;

but subject in each case to the law for the time being in force as to the circumstances and extent

Cf. Act IX of 1872, ss. 11 & 12.

in and to which the author of the trust may dispose of the trust-property.

Subject of trust.

8. The subject-matter of a trust must be property transferable to the beneficiary.

It must not be a merely beneficial interest under a subsisting trust.

Who may be beneficiary.

9. Every person capable of holding property may be a beneficiary.

Disclaimer by beneficiary.

A proposed beneficiary may renounce his interest under the trust by disclaimer addressed to the trustee, or by setting up, with notice of the trust, a claim inconsistent therewith.

Act IX of 1872, s. 11.

Who may be trustee.

10. Every person capable of holding property may be a trustee; but where the trust involves the exercise of discretion, he cannot execute it unless he is competent to contract.

No one bound to accept trust.

No one is bound to accept a trust.

Acceptance of trust.

Subject to the provisions of section five, a trust is accepted by any words or acts of the trustee indicating with reasonable certainty such acceptance.

Disclaimer of trust.

Instead of accepting a trust, the intended trustee may, within a reasonable period, disclaim it, and such disclaimer shall prevent the trust-property from vesting in him.

A disclaimer by one of two or more co-trustees vests the trust-property in the other or others and makes him or them sole trustee or trustees from the date of the creation of the trust.

Illustrations.

(*a*). A bequeathes certain property to B and C, his executors, as trustees for D, B and C prove A's will. This is in itself an acceptance of the trust, and B and C hold the property in trust for D.

(*b*). A transfers certain property to B in trust to sell it and to pay out of the proceeds A's debts. B accepts the trust and sells the property. So far as regards B, a trust of the proceeds is created for A's creditors.

(*c*). A bequeathes a lákh of rupees to B upon certain trusts and appoints him his executor. B severs the lákh from the general assets and appropriates it to the specific purpose. This is an acceptance of the trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

Trustee to execute trust.

11. The trustee is bound to fulfil the purpose of the trust, and to obey the directions of the author of the trust given at the time of its creation, except as modified by the consent of all the beneficiaries being competent to contract.

Where the beneficiary is incompetent to contract, his consent may, for the purposes of this section, be given by a principal Civil Court of original jurisdiction.

Nothing in this section shall be deemed to require a trustee to obey any direction when to do so would be impracticable, illegal or manifestly injurious to the beneficiaries.

Explanation.—Unless a contrary intention be expressed, the purpose of a trust for the payment of debts shall be deemed to be (*a*) to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and (*b*) in the case of debts not bearing interest, to make such payment without interest.

Illustrations.

(*a*). A, a trustee, is simply authorized to sell certain land by public auction. He cannot sell the land by private contract.

(*b*). A, a trustee of certain land for X, Y and Z, is authorized to sell the land to B for a specified sum. X, Y and Z, being competent to contract, consent that A may sell the land to C, for a less sum. A may sell the land accordingly.

(*c*). A, a trustee for B and her children, is directed by the author of the trust to lend, on B's request, trust-property to B's husband, C, on the security of his bond. C becomes insolvent, and B requests A to make the loan. A may refuse to make it.

Trustee to inform himself of state of trust-property.

12. A trustee is bound to acquaint himself, as soon as possible, with the nature and circumstances of the trust-property; to obtain, where necessary, a transfer of the trust-property to himself; and (subject to the provisions of the instrument of trust) to get in trust-moneys invested on insufficient or hazardous security.

Illustrations.

(*a*). The trust-property is a debt outstanding on personal security. The instrument of trust gives the trustee no discretionary power to leave the debt so outstanding. The trustee's duty is to recover the debt without unnecessary delay. 4 Moo. I. A. 452.

(*b*). The trust-property is money in the hands of one of two co-trustees. No discretionary power is given by the instrument of trust. The other co-trustee must not allow the former to retain the money for a longer period than the circumstances of the case require. *Bái Jaddv Tribhuvand ás* 9 Bom. 333.

Trustee to protect title to trust-property.

13. A trustee is bound to maintain and defend all such suits, and (subject to the provisions of the instrument of trust) to take such other steps as, regard being had to the amount or value of the trust-property, may be reasonably requisite for the preservation of the trust-property and the assertion or protection of the title thereto. Act I of 1877, s. 10, expl. 1.

Illustration.

The trust-property is immoveable property which has been given to the author of the trust by an unregistered instrument. Subject to the provisions of the Indian Registration Act, 1877, the trustee's duty is to cause the instrument to be registered.

Trustee not to set-up title adverse to beneficiary.

14. The trustee must not for himself or another set-up or aid any title to the trust-property adverse to the interest of the beneficiary.

Care required from trustee.

15. A trustee is bound to deal with the trust-property as carefully as a man of ordinary prudence would deal with such property if it were his own; and, in the absence of a contract to the contrary, a trustee so dealing is not responsible for the loss, destruction or deterioration of the trust-property. Act IX of 1872, ss. 151, 152.

Illustrations.

(*a*). A, living in Calcutta, is a trustee for B, living in Bombay. A remits trust-funds to B by bills drawn by a person of undoubted credit in favour of the trustee as such, and payable at Bombay. The bills are dishonoured. A is not bound to make good the loss.

(*b*). A, a trustee of leasehold property, directs the tenant to pay the rents on account of the trust to a banker, B, then in credit. The rents are accordingly paid to B, and A leaves the money with B only till wanted. Before the money is drawn out, B becomes insolvent. A having had no reason to believe that B was in insolvent circumstances, A is not bound to make good the loss.

(*c*). A, a trustee of two debts for B, releases one and compounds the other, in good faith and reasonably believing that it is for B's interest to do so. A is not bound to make good any loss caused thereby to B.

(*d*). A, a trustee directed to sell the trust-property by auction, sells the same, but does not advertise the sale and otherwise fails in reasonable diligence in inviting competition. A is bound to make good the loss caused thereby to the beneficiary.

(*e*). A, a trustee for B, in execution of his trust, sells the trust-property, but from want of due diligence on his part fails to receive part of the purchase-money. A is bound to make good the loss thereby caused to B.

(*f*). A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums, and the policy is consequently forfeited. A is bound to make good the loss to B.

(*g*). A bequeathes certain moneys to B and C as trustees, and authorizes them to continue trust-moneys upon the personal security of a certain firm in which A had himself invested them. A dies, and a change takes place in the firm. B and C must not permit the moneys to remain upon the personal security of the new firm.

(*h*). A, a trustee for B, allows the trust to be executed solely by his co-trustee C. C misapplies the trust-property. A is personally answerable for the loss resulting to B.

Conversion of perishable property.

16. Where the trust is created for the benefit of several persons in succession, and the trust-property is of a wasting nature or a future or reversionary interest, the trustee is bound, unless an intention to the contrary may be inferred from the instrument of trust, to convert the property into property of a permanent and immediately profitable character.

Illustrations.

(*a*). A bequeathes to B all his property in trust for C during his life, and on his death for D, and on D's death for E. A's property consists of three leasehold houses, and there is nothing in A's will to show that he intended the houses to be enjoyed in specie. B should sell the houses, and invest the proceeds in accordance with section twenty.

(*b*). A bequeathes to B his three leasehold houses in Calcutta and all the furniture therein in trust for C during his life, and on his death for D, and on D's death for E. Here an intention that the houses and furniture should be enjoyed in specie appears clearly, and B should not sell them.

Trustee to be impartial.

17. Where there are more beneficiaries than one, the trustee is bound to be impartial, and must not execute the trust for the advantage of one at the expense of another.

Where the trustee has a discretionary power, nothing in this section shall be deemed to authorize the Court to control the exercise reasonably and in good faith of such discretion.

Illustration.

A, a trustee for B, C and D, is empowered to choose between several specified modes of investing the trust-property. A in good faith chooses one of these modes. The Court will not interfere, although the result of the choice may be to vary the relative rights of B, C and D.

Trustee to prevent waste.

18. Where the trust is created for the benefit of several persons in succession and one of them is in possession of the trust-property, if he commits, or threatens to commit, any act which is destructive or permanently injurious thereto, the trustee must take measures to prevent such act.

Accounts and information.

19. A trustee is bound (*a*) to keep clear and accurate accounts of the trust-property, and (*b*), at all reasonable times, at the request of the beneficiary, to furnish him with full and accurate information as to the amount and state of the trust-property.

Investment of trust-money.

20. Where the trust-property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee must (subject to any direction contained in the instrument of trust) invest the money on the following securities, and on no others:— Act XXVIII of 1866, ss. 5 and 32. As to the necessity of some such provisions, see *DeSouza* v. *DeSouza*, 12 Bom. 184.

(*a*) in promissory notes, debentures, stock or other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland; Cf. 23 & 24 Vic., c. 145, s. 25.

(*b*) in bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

(*c*) in stock or debentures of, or shares in Railway or other Companies the interest whereon shall have been guaranteed by the Secretary of State for India in Council; Cf. 32 & 33 Vic., c. 132, s. 2.

(*d*) in debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India; Cf. 34 & 35 Vic., c. 47, s. 13.

(*e*) on a first mortgage of immoveable property situate in British India: provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the mortgage-money; or

(*f*) on any other security expressly authorized by the instrument of trust:

Provided that, where there is a person competent to contract and entitled in possession to receive the income of the trust-property for his life, or for any greater estate, no investment on any security mentioned or referred to in clauses (*d*), (*e*) and (*f*) shall be made without his consent in writing. The Statute excepts investment on Consols.

Mortgage of land pledged to Government under Act XXVI of 1871.

Nothing in this section shall be deemed to preclude an investment on a mortgage of immoveable property already pledged as security for an advance under the Land Improvement Act, 1871, or, in case the trust-money does not exceed one thousand rupees, a deposit thereof in a Government Savings Bank. 27 & 28 Vic., c. 114, s. 61.

Deposit in Government Savings Bank.

Sale by trustee directed to sell within specified time.

21. Where a trustee directed to sell within a specified time extends such time, as between himself and the beneficiary, the burden of proving that the latter is not prejudiced by the extension lies upon the trustee, unless the extension has been authorized by a principal Civil Court of original jurisdiction.

Illustration.

A bequeathes property to B, directing him with all convenient speed and within five years to sell it, and apply the proceeds for the benefit of C. In the exercise of reasonable discretion, B postpones the sale for six years. The sale is not thereby rendered invalid, but C, alleging that he has been injured by the postponement, institutes a suit against B to obtain compensation. In such suit the burden of proving that C has not been injured lies on B.

Transfer to beneficiary on completion of purpose.

22. When the purpose of the trust is completely fulfilled, the trustee must on demand transfer the trust-property to his beneficiary, unless the trustee has notice of any title in another which is para-

mount to the beneficiary's interest and of an intention to assert such title.

Liability for breach of trust.

23. Where the trustee commits a breach of trust, he is liable to make good the loss which the trust-property has thereby sustained, unless the beneficiary has by fraud induced the trustee to commit the breach, or the beneficiary, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, concurred in the breach, or subsequently acquiesced therein, with full knowledge of the facts of the case and of his rights as against the trustee.

Illustrations.

(*a*). A trustee improperly leaves trust-property outstanding and it is consequently lost: he is liable to make good the property lost, but he is not liable to pay interest thereon.

(*b*). A bequeathes a house to B in trust to sell it and pay the proceeds to C. B neglects to sell the house for a great length of time, whereby the house is deteriorated and its market price falls. B is answerable to C for the loss.

(*c*). A trustee is guilty of unreasonable delay in investing trust-money in accordance with section twenty, or in paying it to the beneficiary. The trustee is liable to pay interest thereon for the period of the delay.

(*d*). The duty of the trustee is to invest trust-money in any of the securities mentioned in section twenty, clause (*a*), (*b*), (*c*) or (*d*). Instead of so doing, he retains the money in his hands. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, and the intermediate dividends and interest thereon.

(*e*). The instrument of trust directs the trustee to invest trust-money either in any of such securities or on mortgage of immoveable property. The trustee does neither. He is liable for the principal money and interest.

(*f*). The instrument of trust directs the trustee to invest trust-money in any of such securities and to accumulate the dividends thereon. The trustee disregards the direction. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and compound interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, together with the amount of the accumulation which would have arisen from a proper investment of the intermediate dividends.

(*g*). Trust-property is invested in one of the securities mentioned in section twenty, clause (*a*), (*b*), (*c*) or (*d*). The trustee sells such security for some purpose not authorized by the terms of the instrument of trust. He is liable, at the option of the beneficiary, either to replace the security with the intermediate dividends and interest thereon, or to account for the proceeds of the sale with interest thereon.

(*h*). The trust-property consists of land. The trustee sells the land to a purchaser for a consideration without notice of the trust. The trustee is liable, at the option of the beneficiary, to purchase other land of equal value to be settled upon the like trust, or to be charged with the proceeds of the sale with interest, or to be charged with the present estimated value of the land sold, after deducting therefrom any decrease of price caused by subsequent improvements.

No set-off allowed to trustee.

24. A trustee who is liable for a loss occasioned by a breach of trust in respect of one portion of the trust-property cannot set-off against his liability a gain which has accrued to another portion of the trust-property through another and distinct breach of trust.

Non-liability for predecessor's default.

25. Where a trustee succeeds another, he is not, as such, liable for the acts or defaults of his predecessor.

Non-liability for co-trustee's default.

26. Subject to the provisions of sections thirteen and fifteen, one trustee is not, as such, liable for a breach of trust committed by his co-trustee:

Provided that, in the absence of an express declaration to the contrary in the instrument of trust, a trustee is so liable—

(*a*) where he has delivered trust-property to his co-trustee without seeing to its proper application: Act I of 1877, s. 54, ill. (*b*).

(*b*) where he allows his co-trustee to receive trust-property and fails to make due enquiry as to the co-trustee's dealings therewith, or allows him to retain it longer than the circumstances of the case reasonably require:

(*c*) where he becomes aware of a breach of trust committed or intended by his co-trustee, and either actively conceals it or does not within a reasonable time take proper steps to protect the beneficiary's interest.

Joining in receipt for conformity.

A co-trustee who joins in signing a receipt for trust-property and proves that he has not received the same is not answerable, by reason of such signature only, for loss or misapplication of the property by his co-trustee.

Illustration.

A bequeathes certain property to B and C, and directs them to sell it and invest the proceeds for the benefit of D. B and C accordingly sell the property, and the purchase-money is received by B and retained in his hands. C pays no attention to the matter for two years and then calls on B to make the investment. B is unable to do so, becomes insolvent, and the purchase-money is lost. C may be compelled to make good the amount.

Several liability of co-trustees.

27. Where co-trustees jointly commit a breach of trust, or where one of them by his neglect enables the other to commit a breach of trust, each is liable to the beneficiary for the whole of the loss occasioned by such breach.

Contribution as between co-trustees.

But as between the trustees themselves, if one be less guilty than another and has had to refund the loss, the former may compel the latter or his legal representative to make good such loss; and if all be equally guilty, any one or more of the trustees who has had to refund the loss may compel the others to contribute.

Nothing in this section shall be deemed to authorize a trustee who has been guilty of fraud to contribution.

Non-liability of trustee paying without notice of transfer by beneficiary.

28. When any beneficiary's interest becomes vested in another person, and the trustee, not having notice of the vesting, pays or delivers trust-property to the person who would have been entitled thereto in the absence of such vesting, the trustee is not liable for the property so paid or delivered.

Liability of trustee where beneficiary's interest is forfeited to Government. New.

29. When the beneficiary's interest is forfeited or awarded by legal adjudication to Government, the trustee is bound to hold the trust-property for the benefit of such person in such manner as the Government may direct in this behalf.

Indemnity of trustees. Act XXVIII of 1866, s. 37 shortened: See sections 15 & 26 *supra*.

30. Subject to the provisions of the instrument of trust and of sections twenty-three and twenty-six, trustees shall be respectively chargeable only for such moneys, stocks, funds and securities as they respectively actually receive, and shall not be answerable the one for the other of them, nor for any banker, broker or other person in whose hands

any trust-property may be placed, nor for the insufficiency or deficiency of any stocks, funds or securities, nor otherwise for involuntary losses.

CHAPTER IV.

OF THE RIGHTS AND POWERS OF TRUSTEES.

Right to title-deeds.

31. A trustee is entitled to have in his possession the instrument of trust and all the documents of title (if any) relating solely to the trust-property.

Right to reimbursement of expenses.

32. Every trustee may reimburse himself, or pay or discharge out of the trust-property, all expenses properly incurred in or about the execution of the trust, or the realization, preservation or benefit of the trust-property, or the protection or support of the beneficiary.

If he pays such expenses out of his own pocket, he has a first charge upon the trust-property for such expenses and interest thereon; but such charge (unless the expenses have been incurred with the sanction of a principal Civil Court of original jurisdiction) shall be enforced only by prohibiting any disposition of the trust-property without previous payment of such expenses and interest.

If the trust-property fail, the trustee is entitled to recover from the beneficiary personally on whose behalf he acted and at whose request, expressed or implied, he made the payment, the amount of such expenses.

Right to be recouped for erroneous overpayment.

Where a trustee has by mistake made an overpayment to the beneficiary, he may reimburse the trust-property out of the beneficiary's interest. If such interest fail, the trustee is entitled to recover from the beneficiary personally the amount of such over-payment.

Right to indemnity from gainer by breach of trust.

33. A person other than a trustee who has gained an advantage from a breach of trust must indemnify the trustee to the extent of the amount actually received by such person under the breach; and, where he is a beneficiary, the trustee has a charge on his interest for such amount.

Nothing in this section shall be deemed to entitle a trustee to be indemnified who has, in committing the breach of trust, been guilty of fraud.

Act XXVIII of 1866, s. 43. Right to apply to Court for opinion in management of trust-property.

34. Any trustee may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for its opinion, advice or direction on any present questions respecting the management or administration of the trust-property other than questions of detail, difficulty or importance, not proper for summary disposal.

A copy of such petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

The trustee stating in good faith the facts in such petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee in the subject-matter of the application.

The costs of every application under this section shall be in the discretion of the Court to which it is made.

Right to settlement of accounts.

35. When the duties of a trustee, as such, are completed, he is entitled to have the accounts of his administration of the trust-property examined and settled, and where nothing is due to the beneficiary under the trust, to an acknowledgment in writing to that effect.

General authority of trustee.

36. In addition to the powers expressly conferred by this Act and by the instrument of trust, and subject to the restrictions, if any, contained in such instrument, and to the provisions of section seventeen, a trustee may do all acts which are reasonable and proper for the realization, protection or benefit of the trust-property, and for the protection or support of a beneficiary who is not competent to contract.

Every trustee in the actual possession or receipt of the rents and profits of land as defined in the Land Improvement Act, 1871, shall be deemed to be a landlord for the purposes of that Act. 27 & 28 Vic. c. 114.

Except with the permission of a principal Civil Court of original jurisdiction, no trustee shall lease trust-property for a term exceeding twenty-one years from the date of executing the lease, nor without reserving the best yearly rent that can be reasonably gotten.

Power to sell in lots, and either by public auction or private contract. Act XXVIII of 1866, s. 2, extended to moveables.

37. Where the trustee is empowered to sell any trust-property, he may sell the same either together or in lots, and either by public auction or private contract, and either at one time or at several times, unless the instrument of trust otherwise directs.

Power to sell under special conditions. Act XXVIII of 1866, s. 3.

38. The trustee making any such sale may insert such stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale or contract for sale, as he thinks fit; and may also buy-in the property or any part thereof at any sale by auction, and rescind or vary any contract for sale, and re-sell the property so bought in, or as to which the contract is so rescinded, without being responsible to the beneficiary for any loss occasioned thereby.

Power to buy-in and re-sell.

Time allowed for selling trust-property.

Where a trustee is directed to sell trust-property, or to invest trust-money in the purchase of property, he may exercise a reasonable discretion as to the time of effecting the sale or purchase.

Illustrations.

(*a*). A bequeathes property to B, directing him to sell it with all convenient speed and pay the proceeds to C. This does not render an immediate sale imperative.

(*b*). A bequeathes property to B, directing him to sell it at such time and in such manner as he shall think fit and invest the proceeds for the benefit of C. This does not authorize B, as between him and C, to postpone the sale to an indefinite period.

Power to convey. Act XXVIII of 1866, s. 4.

39. For the purpose of completing any such sale, the trustee shall have power to convey or otherwise dispose of the property sold in such manner as may be necessary.

Power to vary investments. Act XXVIII of 1866, s. 33.

40. A trustee may, at his discretion, call in any trust-property invested in any security and invest the

same on any of the securities mentioned in section twenty, and from time to time vary any such investments for others of the same nature:

Provided that, where there is a person competent to contract and entitled at the time to receive the income of the trust-property for his life, or for any greater estate, no such change of investment shall be made without his consent in writing.

Act XXVIII of 1866, s. 33. Power to apply property of minors, &c., for their maintenance, &c.

41. Where any property is held by a trustee in trust for a minor, such trustee may, at his discretion, pay to the guardians (if any) of such minor, or otherwise apply for or towards his maintenance or education or advancement in life, or the reasonable expenses of his marriage or funeral, the whole or any part of the income to which he may be entitled in respect of such property; and such trustee shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in any of the securities mentioned in section twenty for the benefit of the person who shall ultimately become entitled to the property from which such accumulations have arisen: provided that such trustee may, at any time, if he thinks fit, apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Where the income of the trust-property is insufficient for the minor's maintenance or education or advancement in life, or the reasonable expenses of his marriage or funeral, the trustee may, with the permission of a principal Civil Court of original jurisdiction, but not otherwise, apply the whole or any part of such property for or towards such maintenance, education, advancement or expenses.

See Acts XL of 1858, XX of 1864, and XIII of 1874.

Nothing in this section shall be deemed to affect the provisions of any local law for the time being in force relating to the persons and property of minors.

Act XXVIII of 1866, s. 36 shortened. Power to give receipts.

42. A trustee may give a receipt in writing for any money paid or property transferred to him by reason or in the exercise of any trust reposed in him, and, in the absence of fraud, such receipt shall discharge the person paying or transferring the same therefrom, and from seeing to the application thereof or being accountable for any loss or misapplication thereof.

Power to several trustees of whom one disclaims or dies.

43. When an authority to deal with the trust-property is given to several trustees and one of them disclaims or dies, the authority may be exercised by the continuing trustees, unless from the terms of the instrument of trust it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

Suspension of trustee's powers by decree.

44. Where a decree has been made in a suit for the execution of a trust, the trustee must not exercise any of his powers except in conformity with such decree or with the sanction of the Court by which the decree has been made or, where an appeal against the decree is pending, of the Appellate Court.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

Trustee cannot renounce after acceptance.

45. A trustee who has accepted the trust cannot afterwards renounce it except (*a*) with the permission of a principal Civil Court of original jurisdiction, or (*b*), if the beneficiary is competent to contract, with his consent, or (*c*) by virtue of a special power in the instrument of trust.

Trustee cannot delegate.

46. A trustee cannot delegate his office or any of his duties either to a co-trustee or to a stranger, unless (*a*) the instrument of trust so provides, or (*b*) the delegation is in the regular course of business, or (*c*) the delegation is necessary, or (*d*) the beneficiary, being competent to contract, consents to the delegation. 3 Calc. Rep.

Explanation.—The appointment of an attorney or proxy to do an act merely ministerial and involving no independent discretion is not a delegation within the meaning of this section.

Illustrations.

(*a*). A bequeathes certain property to B and C on certain trusts to be executed by them or the survivor of them or the assigns of such survivor. B dies. C may bequeath the trust-property to D and E upon the trusts of A's will.

(*b*). A is a trustee of certain property with power to sell the same. A may employ an auctioneer to effect the sale.

(*c*). A bequeathes to B fifty houses let at monthly rents in trust to collect the rents and pay them to C. B may employ a proper person to collect these rents.

Co-trustees cannot act singly.

47. When there are more trustees than one, all must join in the execution of the trust, except where the instrument of trust otherwise provides.

Control of discretionary power.

48. Where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by a principal Court of original civil jurisdiction.

Trustee may not charge for services.

49. In the absence of express directions to the contrary contained in the instrument of trust or of a contract to the contrary entered into with the beneficiary or the Court at the time of accepting the trust, a trustee has no right to remuneration for his trouble, skill and loss of time in executing the trust. 6 Beng. 278.

Nothing in this section applies to any Official Trustee, Administrator General, Public Curator, or person holding a certificate of administration. As to them, see Acts XVII of 1864, II of 1874, XX of 1858, and XX of 1864.

Trustee may not use trust-property for his own profit.

50. A trustee may not use or deal with the trust-property for his own profit or for any other purpose unconnected with the trust.

Trustee for sale or his agent may not buy.

51. No trustee whose duty it is to sell trust-property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, buy the same or any interest therein, on his own account or as agent for a third person.

Trustee may not buy beneficiary's interest without permission.

52. No trustee, and no person who has recently ceased to be a trustee, may, without the permission of a principal Civil Court of original jurisdiction, buy or become mortgagee or lessee of the trust-property or any part thereof; and such permission shall not be given unless the purchase, mortgage or lease is manifestly for the advantage of the beneficiary.

Trustee for purchase.

And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for the beneficiary may buy it, or obtain a mortgage or lease of it, for himself.

Co-trustees may not lend to one of themselves.

53. A trustee or co-trustees whose duty it is to invest trust-money on mortgage or personal security must not invest it on a mortgage by, or on the personal security of, himself or one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

Lewin 576, 585: Rights to rents and profits.

54. The beneficiary has a right to the rents and profits of the trust-property.

Act I of 1877, s. 12, cl. (*a*). Right to specific execution.

55. The beneficiary is entitled to have the intention of the author of the trust specifically executed to the extent of the beneficiary's interest;

3 Beng. A. C. J. 409: 3 Beng. O. C. J. 92. Right to transfer of possession.

and where there is only one beneficiary and he is competent to contract, or where there are several beneficiaries and they are competent to contract and all of one mind, he or they may require the trustee to transfer the possession of the trust-property to him or them, or to such person as he or they may direct: provided that, where the trust is to sell immoveable trust-property and the proceeds are to be divided amongst several persons, particular sharers cannot elect that their own respective undivided shares shall not be sold.

Nothing in the second clause of this section applies to property transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest.

Illustrations.

(*a*). Certain Government securities are given to trustees upon trust to accumulate the interest until A attains the age of 24, and then to transfer the gross amount to him. A on attaining majority may, as the person exclusively interested in the trust-property, require the trustees to transfer it immediately to him.

(*b*). A bequeathes Rs. 10,000 to trustees upon trust to purchase an annuity for B, who has attained his majority and is otherwise competent to contract. B may claim the Rs. 10,000.

(*c*). A transfers certain property to B and directs him to sell or invest it for the benefit of C, who is competent to contract. C may elect to take the property in its original character.

Right to inspect and take copies of instrument of trust, accounts, &c.

56. The beneficiary has a right as against the trustee and all persons claiming under him with notice of the trust to inspect and take copies of the instrument of trust, the documents of title relating solely to the trust-property, the accounts of the trust-property and the vouchers (if any) by which they are supported, and the cases submitted and opinions taken by the trustee for his guidance in the discharge of his duty.

Right to transfer beneficial interest.

57. The beneficiary, if competent to contract, may transfer his interest, but subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of such interest:

Provided that when property is transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest, nothing in this section shall authorize her to transfer such interest during her marriage.

Right to sue for execution of trust.

58. Where no trustees are appointed or all the trustees die, disclaim or are discharged, or where for any other reason the execution of a trust by the trustee is or becomes impracticable, the beneficiary may institute a suit for the execution of the trust, and the trust shall, so far as may be possible, be executed by the Court until the appointment of a trustee or new trustee.

Right to proper trustees.

59. The beneficiary has a right (subject to the provisions of the instrument of trust) that the trust-property shall be properly protected and held and administered by proper persons and by a proper number of such persons.

Explanation I.—The following are not proper persons within the meaning of this section:—

A person domiciled abroad: an alien enemy: a person having an interest inconsistent with that of the beneficiary: a person in insolvent circumstances; and, unless the personal law of the beneficiary allows otherwise, a married woman and a minor.

Explanation II.—When the administration of the trust involves the receipt and custody of the money, the number of trustees should be two at least.

Illustrations.

(*a*). A, one of several beneficiaries, proves that B, the trustee, has improperly disposed of part of the trust-property, or that the property is in danger from B's being in insolvent circumstances, or that he is incapacitated from acting as trustee. A may obtain a receiver of the trust-property.

(*b*). A bequeathes certain jewels to B in trust for C. B dies during A's lifetime; then A dies. C is entitled to have the property conveyed to a trustee for him.

(*c*). A conveys certain property to four trustees in trust for B. Three of the trustees die. B may institute a suit to have three new trustees appointed in the place of the deceased trustees.

(*d*). A conveys certain property to three trustees in trust for B. All the trustees disclaim. B may institute a suit to have three trustees appointed in place of the trustees so disclaiming.

(*e*). A, a trustee for B, refuses to act, or goes to reside permanently out of British India, or is declared an insolvent, or compounds with his creditors, or suffers a co-trustee to commit a breach of trust. B may institute a suit to have A removed and a new trustee appointed in his room.

Right to compel to any act of duty.

60. The beneficiary has a right that his trustee shall be compelled to perform any particular act of his duty as such, and restrained from committing any contemplated or probable breach of trust. Act I of 1877, s. 54.

Illustrations.

(*a*). A contracts with B to pay him monthly Rs. 100 for the benefit of C. B writes and signs a letter declaring that he will hold in trust for C the money so to be paid. A fails to pay the money in accordance with his contract. C may compel B on a proper indemnity to allow C to sue on the contract in B's name.

(*b*). A is trustee of certain land, with a power to sell the same and pay the proceeds to B and C equally. A is about to make an improvident sale of the land. B may sue on behalf of himself and C for an injunction to restrain A from making the sale. Act I of 1877, s. 64, ill. (*f*).

61. Where a trustee has wrongfully bought trust-property, the beneficiary has a right to have the property declared subject to the trust or retransferred by the trustee, if it remains in his hands unsold, or, if it has been bought from him by any person with notice of the trust, by such person. But in such case the beneficiary must repay the purchase-money paid by the trustee, with interest, and such other expenses (if any) as he has properly incurred in the preservation of the property; and the trustee or purchaser must (*a*) account for the net profits of the property, (*b*) be charged with an occupation-rent, if he has been in actual possession of the property, and (*c*) allow the beneficiary to deduct a proportionate part of the purchase-money if the property has been deteriorated by the acts or omissions of the trustee or purchaser.

Wrongful purchase by trustee.

Nothing in this section—

(*a*) impairs the rights of lessees and others who, before the institution of a suit to have the property declared subject to the trust or retransferred, have contracted in good faith with the trustee or purchaser; or

(*b*) entitles the beneficiary to have the property declared subject to the trust or retransferred where he, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, ratified the sale to the trustee with full knowledge of the facts of the case and of his rights as against the trustee.

6 Bomb. O. C. J. 59: I. L. R. 1 Bomb. 287.

62. Where trust-property comes into the hands of a third person inconsistently with the trust, the beneficiary may require him to admit formally, or may institute a suit for a declaration, that the property is comprised in the trust.

Following trust-property—into the hands of third persons;

Where the trustee has disposed of trust-property and the money or other property which he has received therefor can be traced in his hands, or the hands of his legal representative or legatee, the beneficiary has, in respect thereof, rights as nearly as may be the same as his rights in respect of the original trust-property.

into that into which it has been converted.

As to moveables, see Act IX of 1872, s. 108.

Exception I.—Nothing in this section entitles the beneficiary to any right in respect of property in the hands of—

5 W. R. 120: W. R., 1864, p. 225.

(*a*) a transferee in good faith for consideration without having notice of the trust, either when the purchase-money was paid, or when the conveyance was executed, or

(*b*) a transferee for consideration from such a transferee.

A judgment-creditor attaching trust-property is not a transferee for consideration within the meaning of this exception.

Exception II.—Nothing in this section applies to money, currency notes and negotiable instruments in the hands of a *bonâ fide* holder to whom they have passed in circulation, or shall be deemed to affect the Indian Contract Act, 1872, section 108, or the Transfer of Property Act, section 136.

Illustrations.

(*a*). A, a trustee for B of Rs. 10,000, wrongfully invests the Rs. 10,000 in the purchase of certain land. B is entitled to the land.

(*b*.) A, a trustee wrongfully purchases land, in his own name, partly with his own money, partly with money subject to a trust for B. B is entitled to a charge on the land for the amount of the trust-money so misemployed.

63. Where a trustee wrongfully sells or otherwise transfers trust-property and afterwards himself becomes the owner of the property, the property again becomes subject to the trust, notwithstanding any want of notice on the part of intervening transferees in good faith for consideration.

Acquisition by trustee of trust-property wrongfully converted.

64. Where a trustee wrongfully sells trust-property and employs the proceeds in trade or business, the beneficiary may, at his option, charge him either with the principal money and the actual profits arising from such employment or with the principal money and compound interest.

Wrongful employment of trust funds in trade.

65. Where the trustee wrongfully mingles the trust-property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him.

cf. Contract Act, s. 157.

Right in case of blended property.

66. If a partner, being a trustee, wrongfully employs trust-property in the business or on the account of the partnership, no other partner is liable therefor in his personal capacity to the beneficiaries, unless he had notice of the breach of trust.

Wrongful employment by partner-trustee of trust-property for partnership purposes.

The partners having such notice are jointly and severally liable for the breach of trust.

Illustrations.

(*a*). A and B are partners. A dies, having bequeathed all his property to B in trust for Z, and appointed B his sole executor. B, instead of winding-up the affairs of the partnership, retains all the assets in the business. Z may compel him, as partner, to account for so much of the profits as are derived from A's share of the capital. B is also answerable to Z for the improper employment of A's assets.

(*b*). A, a trader, bequeaths his property to B in trust for C, appoints B his sole executor, and dies. B enters into partnership with X and Y in the same trade, and employs A's assets in the partnership-business. B gives an indemnity to X and Y against the claims of C. Here X and Y are jointly liable with B to C as having knowingly become parties to the breach of trust committed by B.

67. Where one of several beneficiaries—

Liability of beneficiary joining in breach of trust.

(*a*) joins in committing breach of trust, or

(*b*) knowingly obtains any advantage therefrom, without the consent of the other beneficiaries, or

(*c*) becomes aware of a breach of trust committed or intended to be committed, and either actually conceals it, or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries, or

(*d*) has deceived the trustee and thereby induced him to commit a breach of trust,

the other beneficiaries are entitled to have all his beneficial interest impounded as against him and all who claim under him (otherwise than as transferees for consideration without notice of the breach) until the loss caused by the breach has been compensated.

Nothing in this section applies to property transferred or bequeathed for the benefit of a married woman, so that she shall not have power to deprive herself of her beneficial interest.

68. Every person to whom a beneficiary transfers his interest has the rights, and is subject to the liabilities, of the beneficiary in respect of such interest at the date of the transfer.

Rights and liabilities of beneficiary's transferee.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

69. The office of a trustee is vacated by his death or by his discharge from his office.

Office how vacated.

2 Spence 920.

70. A trustee may be discharged from his office only as follows:—

Discharge of trustee.

(*a*) by the extinction of the trust;

(*b*) by the completion of his duties under the trust;

(*c*) by such means as may be prescribed by the instrument of trust;

'under express authority conferred by.'

(*d*) by appointment under this Act of a new trustee in his place;

(*e*) by consent of himself and the beneficiary, or, where there are more beneficiaries than one, all the beneficiaries being competent to contract, or

(*f*) by the Court to which a petition for his discharge is presented under this Act.

71. Notwithstanding the provisions of section eleven, every trustee may apply by petition to a principal Civil Court of original jurisdiction to be discharged from his office; and, if the Court finds that there is sufficient reason for such discharge, it may discharge him accordingly, and direct his costs to be paid out of the trust-property. But where there is no such reason, the Court shall not discharge him, unless a proper person can be found to take his place.

Petition to be discharged from trust.

Act XXVIII of 1866, s. 34. 23 & 24 Vic., c. 145, s. 27.

72. Whenever any person appointed a trustee disclaims, or any trustee dies, or is for a continuous period of six months absent from British India, or leaves British India for the purpose of residing abroad, or is declared an insolvent, or desires to be discharged from the trust, or refuses or becomes, in the opinion of a principal Civil Court of original jurisdiction, unfit or personally incapable to act in the trust, or accepts an inconsistent trust, a new trustee may be appointed in his place by—

Appointment of new trustees on death, &c.

(*a*) the person nominated for that purpose by the instrument of trust (if any), or

5 Beng. 184.

(*b*) if there be no such person, or no such person able and willing to act, the author of the trust if he be alive and competent to contract, or the surviving or continuing trustees or trustee for the time being, or legal representative of the last surviving and continuing trustee, or the retiring trustees, if they all retire simultaneously, or the last retiring trustee.

Every such appointment shall be by writing under the hand of the person making it.

The Official Trustee may, with his consent and by the order of the Court, be appointed under this section, in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

For the purposes of this section, any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee.

73. Whenever any such vacancy or disqualification occurs and it is found impracticable to appoint a new trustee under section seventy-two, the beneficiary may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for the appointment of a trustee or a new trustee, and the Court may appoint a trustee or a new trustee accordingly.

Appointment by Court.

In appointing new trustees, the Court shall have regard (*a*) to the wishes of the author of the trust as expressed in or to be inferred from the instrument of trust; (*b*) to the wishes of the person, if any, empowered to appoint new trustees; (*c*) to the question whether the appointment will promote or impede the execution of the trust, and (*d*) where there are more beneficiaries than one, to the interests of all such beneficiaries.

Rule for selecting new trustees.

74. Whenever any new trustee is appointed under section seventy-two or section seventy-three, all the trust-property for the time being vested in the surviving or continuing trustees or trustee, or in the legal representative of any trustee, shall become vested in such new trustee, either solely or jointly with the surviving or continuing trustees or trustee as the case may require.

Vesting of trust-property in new trustees.

Every new trustee, so appointed, and every trustee appointed by a Court either before or after the passing of this Act, shall have the same powers, authorities and discretions, and shall in all respects act, as if he had been originally nominated a trustee by the author of the trust.

Powers of new trustees.

75. On the death or discharge of one of several co-trustees, the trust survives, and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

Survival of trust.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

76. A trust is extinguished—

Trust how extinguished.

(*a*) when its purpose is completely fulfilled; or

(*b*) when its purpose becomes unlawful; or

(*c*) when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise; or

(*d*) when the trust, being revocable, is expressly revoked.

77. A trust constituted by will may be revoked at the pleasure of the testator.

Revocation of trust.

A trust otherwise constituted can be revoked only—

(*a*) where all the beneficiaries are competent to contract—by their consent; or

Jijibhai v. *Sonabhai*, 2 Bom. 139.

(*b*) where the trust has been declared by a non-testamentary instrument or by word of mouth—in exercise of a power of revocation expressly reserved to the author of the trust.

N.-W. P., 1870, p. 420.

Illustration.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation. If no communication has been

made to the creditors, A may revoke the trust. But if the creditors are parties to the arrangement, the trust cannot be revoked without their consent.

Revocation not to defeat what trustees have duly done.

78. No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

Where obligation in nature of trust is created.

79. An obligation in the nature of a trust is created in the following cases.

Where it does not appear that transferor intended to dispose of beneficial interest.

80. Where the owner of property transfers or bequeathes it and it cannot be inferred consistently with the attendant circumstances that he intended to dispose of the beneficial interest therein, the transferee or legatee must hold such property for the benefit of the owner or his legal representative.

Illustrations.

(*a*). A conveys land to B without consideration and declares no trust of any part. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the land. B holds the land for the benefit of A.

(*b*). A conveys to B two fields, Y and Z, and declares a trust of Y, but says nothing about Z. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in Z. B holds Z for the benefit of A.

(*c*). A transfers certain stock into the joint names of himself and B. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the stock during his life. A and B hold the stock for the benefit of A during his life.

(*d*). A makes a gift of certain land to his wife B. She takes the beneficial interest in the land free from any trust in favour of A, for it may be inferred from the circumstances that the gift was for B's benefit.

Transfer to one for consideration paid by another.

81. Where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person did not intend to pay or provide such consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration.

I. L. R. 2 Bom. 410.

Trust incapable of execution or executed without exhausting trust-property.

82. Where a trust is incapable of being executed, or where the trust is completely executed without exhausting the trust-property, the trustee, in the absence of a direction to the contrary, must hold the trust-property, or so much thereof as is unexhausted, for the benefit of the author of the trust or his legal representative.

Illustrations.

(*a*). A conveys certain land to B—

"upon trust," and no trust is declared, or

"upon trusts to be; thereafter declared," and no such declaration is ever made; or

upon trusts that are too vague to be executed; or

upon trusts that become incapable of taking effect.

In each of these cases B holds the land for the benefit of A.

(*b*). A transfers Rs. 10,000 in the four per cents. to B, in trust to pay the interest annually accruing due to C for her life. A dies. Then C dies. B holds the fund for the benefit of A's legal representative.

(*c*). A conveys land to B upon trust to sell it and apply one moiety of the proceeds for certain charitable purposes and the other for the maintenance of the worship of an idol. B sells the land, but the charitable purposes wholly fail, and the maintenance of the worship does not exhaust the second moiety of the proceeds. B holds the first moiety and the part unapplied of the second moiety for the benefit of A or his legal representative.

(*d*). A bequeathes Rs. 10,000 to B, to be laid out in buying land to be conveyed for purposes which either wholly or partially fail to take effect. B holds for the benefit of A's legal representative the undisposed of interest in the money or land if purchased.

Transfer for illegal purpose.

83. Where the owner of property transfers it to another for an illegal purpose and such purpose is not carried into execution, or the transferor is not as guilty as the transferee, or the effect of permitting the transferee to retain the property might be to defeat the provisions of any law, the transferee must hold the property for the benefit of the transferor.

Bequest for illegal purpose.

84. Where a testator bequeathes certain property upon trust and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's lifetime the legatee agrees with him to apply the property for an unlawful purpose, the legatee must hold the property for the benefit of the testator's legal representative.

Bequest of which revocation is prevented by coercion.

Where property is bequeathed and the revocation of the bequest is prevented by coercion, the legatee must hold the property for the benefit of the testator's legal representative.

Transfer pursuant to rescindible contract.

85. Where property is transferred in pursuance of a contract which is liable to rescission or induced by fraud or mistake, the transferee must, on receiving notice to that effect, hold the property for the benefit of the transferor, subject to repayment by the latter of the consideration actually paid. See Act I of 1877, s. 35.

Transfer in fraud of transferor's creditors.

86. Where the effect of a transfer of property is to defraud or delay the present or future creditors of the transferor or co-owners or other persons interested in such property, and the transfer is gratuitous or the transferee has notice of the intended fraud, the transferee must hold the property for their benefit to the extent necessary to satisfy their just demands. 4 Mad. 88: 6 Mad. 474: 2 Ind. Jur. O.S. 7; 13 Eliz. c. 5.

Debtor becoming creditor's representative.

87. Where a debtor becomes the executor or other legal representative of his creditor, he must hold the debt for the benefit of the persons interested therein.

Advantage gained by fiduciary.

88. Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character, gains for himself any pecuniary advantage, or where any person so bound enters into any dealings under circumstances in which his own interests are, or may be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of such other person the advantage so gained. Act I of 1877, s. 3, ills. (*b*), (*c*), (*e*), (*f*); L. R. 2 Ind. App. 18.

Illustrations.

(*a*). A, an executor, buys at an undervalue from B, a legatee, his claim under the will. B is ignorant of the value of the bequest. A must hold for the benefit of B the difference between the price and value.

(*b*). A, a trustee, uses the trust-property for the purpose of his own business. A holds for the benefit of his beneficiary the profits arising from such user.

(*c*). A, a trustee, retires from his trust in consideration of his successor paying him a sum of money. A holds such money for the benefit of his beneficiary.

(*d*). A, a partner, buys land in his own name with funds belonging to the partnership. A holds such land for the benefit of the partnership.

(*e*). A, a partner, employed on behalf of himself and his co-partners in negotiating the terms of a lease, clandestinely stipulates with the lessor for payment to himself of a lákh of rupees. A holds the lákh for the benefit of the partnership.

(*f*). A and B are partners. A dies. B, instead of winding up the affairs of the partnership, retains all the assets in the business. B must account to A's legal representative for the profits arising from A's share of the capital.

(*g*). A, an agent employed to obtain a lease for B, obtains the lease for himself. A holds the lease for the benefit of B.

(*h*). A, a guardian, buys up for himself incumbrances on his ward B's estate at an undervalue. A holds for the benefit of B the incumbrances so bought, and can only charge him with what he has actually paid.

Advantage gained by exercise of undue influence.

89. Where by the exercise of undue influence any advantage is gained in derogation of the interests of another, the person gaining such advantage without consideration or with notice that such influence has been exercised must hold the advantage for the benefit of the person whose interests have been so prejudiced.

Act I of 1877, s. 3, ill. (*d*). Cf. 5 Beng. 458, mortgagee buying equity of redemption.

Advantage gained by qualified owner.

90. Where a tenant for life, co-owner, mortgagee or other qualified owner of any property, by availing himself of his position as such, gains an advantage in derogation of the rights of the other persons interested in the property, or where any such owner, as representing all persons interested in such property, gains any advantage, he must hold, for the benefit of all persons so interested, the advantage so gained, but subject to repayment by such persons of their due share of the expenses properly incurred, and to an indemnity by the same persons against liabilities properly contracted, in gaining such advantage.

Illustrations.

(*a*). A, the tenant for life of leasehold property, renews the lease in his own name and for his own benefit. A holds the renewed lease for the benefit of all those interested in the old lease.

(*b*). A village belongs to a Hindú family. A, one of its members, pays nazráná to Government and thereby procures his name to be entered as the inámdár of the village. A holds the village for the benefit of himself and the other members.

(*c*). A mortgages land to B, who enters into possession. B allows the Government revenue to fall into arrear with a view to the land being put up for sale and his becoming himself the purchaser of it. The land is accordingly sold to B. Subject to the repayment of the amount due on the mortgage and of his expenses properly incurred as mortgage, B holds the land for the benefit of A. 10 Moo. I. A. 322: 14 Moo. I. A 305

Act I of 1877, s. 3, ills. (*g*), (*h*).

Property acquired with notice of existing contract.

91. Where a person acquires property with notice that another person has entered into an existing contract affecting that property, of which specific performance could be enforced, the former must hold the property for the benefit of the latter to the extent necessary to give effect to the contract.

Purchase by person contracting to buy property to be held on trust.

92. Where a person contracts to buy property to be held on trust for certain beneficiaries and buys the property accordingly, he must hold the property for their benefit to the extent necessary to give effect to the contract.

Advantage secretly gained by one of several compounding creditors.

93. Where creditors compound the debts due to them, and one of such creditors, by a secret arrangement with the debtor, gains an undue advantage over his co-creditors, he must hold for the benefit of such creditors the advantage so gained.

Constructive trusts in cases not expressly provided for.

94. In any case not coming within the scope of any of the preceding sections, where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof (as the case may be), to the extent necessary to satisfy their just demands.

Illustrations.

(*a*). A, an executor, distributes the assets of his testator B to the legatees without having paid the whole of B's debts. The legatees hold for the benefit of B's creditors to the extent necessary to satisfy their just demands, the assets so distributed.

(*b*). A by mistake assumes the character of a trustee for B, and under colour of the trust receives certain moneys. B may compel him to account for such moneys.

(*c*). A makes a gift of a lákh of rupees to B, reserving to himself, with B's assent, power to revoke at pleasure the gifts as to Rs. 10,000. The gift is void as to Rs. 10,000, and B holds that sum for the benefit of A.

Obligor's duties, liabilities and disabilities.

95. The person holding property in accordance with any of the preceding sections of this chapter must, so far as may be, perform the same duties, and is subject, so far as may be, to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it:

Provided that, (*a*) where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill and loss of time in such cultivation or employment; and (*b*) where he holds the property by virtue of a contract with the person for whose benefit he holds it, or with any one through whom such person claims, he may, without the permission of the Court, buy or become lessee or mortgagee of the property or any part thereof.

Saving of rights of *bonâ fide* purchasers.

96. Nothing contained in this chapter shall impair the rights of transferees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

THE SCHEDULE.

STATUTES.

Number and year.	Short title.	Extent of repeal.
13 Eliz. c. 5 ...	An Act against fraudulent deeds, gifts, alienations, &c.	The whole.
29 Car. II, c. 3 ...	The Statute of Frauds.	Sections 7, 8, 9, 10 and 11.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
XXVIII of 1866 ...	The Trustees and Mortgagees' Powers Act, 1866	Sections 2, 3, 4, 5, 32, 33, 34, 35, 36 and 37. In sections 39 and 43, the word "trustee" wherever it occurs; and in section 43 the words "management or" and "the trust-property or."
I of 1877 ...	The Specific Relief Act, 1877 ...	In section 12, the first illustration.

STATEMENT OF OBJECTS AND REASONS.

TRUSTS, in the strict sense in which that term is used by English lawyers, that is to say, confidences to the existence of which a 'legal' and an 'equitable' estate are necessary, are unknown to Hindú and Muhammadan law. But trusts in the wider sense of the word, that is to say, obligations annexed to the ownership of property which arise out of a confidence reposed in and accepted by the owner for the benefit of another, are constantly created by the natives of India and are frequently enforced by our Courts. "There is, probably," says Mr. Justice Phear (4 Ben. O. C. J. 134), "no country in the world where fiduciary relations exhibit themselves so extensively and in such varied forms as in India, and possession of dominion over property, coupled with the obligation to use it, either wholly or partially, for the benefit of others than the possessor, is, I imagine, familiar to every Hindú." So, too, in the case of Muhammadans, where a woman is entitled to a share of her deceased father's estate in the hands of her brother (W. R. 1864, p. 377), or to exigible dower in the hands of her husband (6 W. R. 111). Trusts created by an old man for his own maintenance and ulterior purposes, for a widow, for a daughter, step-daughter or daughter-in-law and her children, are of pretty frequent occurrence amongst the natives, whether Hindú or Muhammadan, and it is desirable to keep them free from the complication of double estates in which, without the intervention of the legislature, they are certain to become entangled. But apart from the native property-holder, there is the large body of domiciled Europeans and Eurasians who have for nearly a century enjoyed and taken advantage of a trust-law recognised by our Courts: the number and wealth of this class have increased, and in suits between members of this community every Court in the country may be called upon to administer a trust-law. Nevertheless, with the exception of certain provisions in the Penal Code, the Specific Relief Act, the Code of Civil Procedure and the Limitation Act, the Indian Statute-book is silent on the subject so far as regards the bulk of the population; for the Statute of Frauds, sections 7 to 11, is in force only in the Presidency-towns, and the rules contained in Acts XXVII and XXVIII of 1866 extend only to cases to which English law is applicable, and are, in themselves, incomplete.

The object of the present Bill is to codify the law relating to trusts in the wider sense above described: but it saves the rules of Muhammadan law as to *waqf*, and the mutual relations of the members of an undivided family. And it leaves untouched religious and charitable endowments established by Hindús and Buddhists, as being matters in which the legislature cannot at present usefully interfere further or otherwise than has been done by Act XX of 1863.

With the few exceptions mentioned in this Statement, the rules contained in the Bill are substantially those now administered by English Courts of Equity and (under the name of 'justice, equity and good conscience') by the Courts of British India.

The Bill distributes the subject under the following heads: I, Preliminary: II, the creation of trusts: III, the duties and liabilities of trustees: IV, their rights and powers: V, their disabilities: VI, the rights and liabilities of the beneficiary: VII, vacating the office of trustee: VIII, the extinction of trusts; and IX, certain obligations of the nature of trusts.

The preliminary chapter, in order to prevent the introduction of conceptions resembling the English legal estate and equitable ownership, defines the interest of the beneficiary as *his right against the trustee* as owner of the property. The beneficiary has, under the Bill, no estate or interest in the subject-matter of the trust. The Bill also defines 'breach of trust' as a breach of any duty imposed on a trustee, as such, by any law for the time being in force, and declares that a person has 'notice' of a fact when he actually knows that fact, or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information is given to, or obtained by, his agent under the circumstances mentioned in the Contract Act, section 229.

The second chapter deals with the creation of trusts. It declares that a trust may be created for any 'lawful purpose,' and, as there is a general analogy between a trust and a contract, the Bill defines such purpose to be lawful in the cases in which the Indian Contract Act, section 23, declares the object of an agreement to be lawful. An explanation shews that, where the trust-property is land situate in a foreign country, the trust, to be valid, must not create an estate not recognized by the law of that country.

The expediency of excluding oral declarations of trust has long been felt in the case of land, and the Bill (section 5) lays down, in general accordance with the seventh section of the Statute of Frauds, that no trust in relation to *immoveable* property is valid, unless declared (*a*) by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or (*b*) by the will of the author of the trust, or of the trustee, and that no trust in relation to *moveable* property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee. Theoretically, this will modify the Hindú law, which in no transaction absolutely requires a writing (2 Mad. H. C. Rep. 39); but trusts by merely verbal declarations are as rarely met with as mortgages by merely verbal agreements: the proposed change will therefore in practice make no alteration in that law. The rule will not apply where it would operate so as to effectuate a fraud, as, for example, where a father having power to bequeath certain land is induced not to make a will of that land by the promise of his heir-presumptive that he will provide thereout for his relatives.

Section 8 declares that the subject-matter of a trust must be property transferable to the beneficiary, and that it must not be a merely beneficial interest under a subsisting trust. The object of the latter provision is to preclude the complications that would arise from allowing a trust upon a trust.

Section 9 declares that every person capable of holding property may be a beneficiary. As, under Act I of 1868, 'person' includes a corporation, the Bill here varies from English law. But the variation is intentional, as it has been more than once ruled that the Mortmain Statutes are not in force in India.

Chapter III deals with a trustee's duties and liabilities. None of the rules here contained call for remark except sections 20 and 23. Section 20 gives a list of the securities on which alone a trustee may invest trust-funds. The necessity for some such provision has been indicated by the High Court of Bombay in *DeSouza* v. *DeSouza*, 12 Bom. 184. Investments on mortgages of leaseholds for years are forbidden, unless, of course, such securities are expressly authorized by the instrument of trust. In England, no doubt, trustees authorized to lend on a mortgage of realty may invest on a long term of years at a peppercorn rent. But in this country such terms are practically unknown. Section 20 also allows a trustee to deposit a trust-fund not exceeding Rs. 1,000 in a Government Savings Bank, and to invest on mortgage of land already pledged as security for an advance under the Land Improvement Act, 1871. A power like the latter is conferred in England by 27 & 28 Vic., cap. 114, section 161. Section 23 declares the measure of the trustee's liability in case of a breach of trust, and embodies, as illustrations, the rules on which Courts of Equity act where trust-property improperly left outstanding is lost, or where a trustee retains money which should be invested, or neglects a direction to invest, or to accumulate, or improperly sells trust-securities, or is guilty of unreasonable delay in investing trust-funds or in paying them to the beneficiary.

Chapter IV treats of the rights and powers of trustees. It embodies the substance of Act XXVIII of 1866, sections 2, 3, 5, 32, 33, 36, 37, 39 and 43. Section 34 of the Bill empowers trustees to apply, not only to High Court Judges, but to District Judges, for advice on simple questions respecting the management and administration of the trust-property. Under section 36, which deals with the general authority of a trustee, trustees will be able (unless restrained from doing so by the instrument of trust) to grant reasonable agricultural leases, thin timber and otherwise act for the benefit of the trust. Except with the permission of the Court, no trustee will be able to lease trust-property for a term exceeding 21 years.

Chapter V deals with disabilities of the trustees. The only section here calling for remark is 52, which declares that no trustee, and no person who has recently ceased to be a trustee, may, without the permission of the Court, buy the interest of the beneficiary in the trust-property, and that such permission shall not be given unless the purchase is manifestly for the benefit of the latter. The Bill here deviates from the present law, according to which a trustee is allowed to buy trust-property from his beneficiary if the latter is *sui juris* and the former can shew that the relation of trustee and beneficiary was, at the time of the purchase, virtually dissolved, and that the fullest information and every advantage were given to the beneficiary. Such a rule seems too vague for insertion in a Code intended to be worked, for the most part, by unprofessional Judges; it has, moreover, been disapproved in *Morse* v. *Royal*, 12 Ves. 372.

In the next chapter—of the rights and liabilities of the beneficiary—the only sections requiring special notice are sections 58 and 62. The former provides for the execution of trusts by the Court, and makes no distinction between the cases where the declaration of trust is complete and those where the trust is executory, *i.e.*, where the declaration of trust is intended to be perfected at some future period.

The latter section declares that all persons taking immoveable trust-property inconsistently with the trust hold it subject to the trust, except (*a*) purchasers in good faith for consideration without notice of the trust, and (*b*) purchasers for consideration from such purchasers. This agrees with the English rule which, to prevent stagnation of property, exempts from the trust a purchaser with notice from an innocent purchaser without notice, who has got the legal estate.

Chapter VII treats of vacating the office of trustee, and, incidentally, deals with the appointment of new trustees, and declares that, on the death or discharge of one of several co-trustees, the trust survives and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

Chapter VIII treats of the extinction of trusts and, incidentally, of their revocation.

Where no trust is declared, but for the purposes of justice the law deems one to have been created, the trust is by English lawyers termed constructive. *Benámi* transactions, where property is transferred to A for a consideration paid by B, and B makes the payment for his own benefit, have for centuries been familiar to the people of India: gains made by one person at the cost of another are an everyday source of litigation; and in no country, owing to the extreme sub-division of immoveable property and the partition of inheritances, are constructive trusts more common.[a] Chapter IX avoids the fiction implied in the term 'constructive trusts' by treating such confidences as obligations in the nature of trusts properly so called. It specifies the fourteen principal cases in which such an obligation arises, as follows:—

1. Where it does not appear that the transferor of property intended to dispose of the beneficial interest (section 80):
2. Where property is transferred to one person for a consideration paid by another (section 81):

[a] As to these trusts, Mr. Coghlan, a District Judge in the Bombay Presidency, writes as follows:—"Cases of constructive trusts are continually arising in all civil Courts [in the Mufassal], and are treated on the general principle of equity as fixed by case-made law."

3. Where the trust is incapable of execution or is executed without exhausting the property (section 82):
4. Where a transfer of property is made for an illegal purpose (section 83):
5. Where a bequest is made for an illegal purpose, or where the revocation of a bequest is forcibly prevented (section 84):
6. Where a transfer is made in pursuance of a rescindible contract (section 85):
7. Where a transfer is made in fraud of the transferor's creditors (section 86):
8. Where a debtor becomes his creditor's legal representative (section 87):
9. Where a pecuniary advantage is gained by a person in a fiduciary character (section 88):
10. Where an advantage is gained by the exercise of undue influence (section 89):
11. Where an advantage is gained by a tenant for life or other qualified owner in derogation of the rights of other persons interested in the property (section 90):
12. Where property is acquired with notice of an existing contract affecting it (section 91):
13. Where a person contracts to buy property to be held on trust (section 92):
14. Where one of several compounding creditors, by a secret arrangement with the debtor, gains an advantage over his co-creditors (section 93).

The Bill also contains a general clause (sec. 94) providing for cases not so specified. It is believed that this clause will cover that form of constructive trust which the Panjáb Courts have held to arise when a co-sharer in a village community absents himself without expressly abandoning his rights.

The Bill declares that, in the case of all obligations in the nature of a trust, the obligor shall be subject to the liabilities and (with the two exceptions mentioned in section 95) to the disabilities of an ordinary trustee.

Three only of the obligations above specified seem to require further notice. The Bill, it will be seen, does not attempt to suppress the inveterate practice of entering into *benámi* transactions, and it must be admitted that in many, perhaps most, of these transactions the parties are actuated by religious or prudential, rather than fraudulent, motives. Section 81, accordingly, declares that, where property is transferred to one person for a consideration paid by another, and it appears that the latter did not intend to pay the consideration for the benefit of the former, the transferee must hold the property for the benefit of the person paying. Resulting trusts, *i.e.*, those that arise where an interest is given for purposes to which the trust is not commensurate (as, for instance, to pay debts which are satisfied, or an annuity which expires), are treated (section 82) as constructive, for here there is no declaration of trust as to the portion of the trust-property which is not required for the purpose declared. Section 86 corresponds with 13 Eliz., c. 5, as to settlements intended to defraud creditors. That Statute is in force in the Presidency-towns, and its principle has been held by the Madras High Court (4 Mad. 88) to apply to Natives in the mufassal.

Where a person gives property to charitable purposes, and either specifies no objects or such as do not exhaust the proceeds, the law, as it stands, does not suffer the property or its surplus to result to the donor or his legal representative; but the Court takes upon itself to execute the donor's intention by declaring the particular purposes to which the fund shall be applied. A similar exception is made when the purposes of the gift at the time exhaust the whole proceeds, but in consequence of an increase in the value of the property an excess of income subsequently arises. The Bill ignores these exceptions, which were introduced when the law of resulting trusts was imperfectly understood, and which unfairly disregard the interest of the legal representative.

Lastly, it may be remarked that the Bill contains no provisions as to the presumption against trustees that advantages gained by them from their beneficiaries are gained by undue influence, or as to the escheat of a beneficiary's interest. The former matter is sufficiently provided for by the Evidence Act, I of 1872, section 111, the latter, by the Succession Act, X of 1865, and the general law as to *bona vacantia*.

The Bill is now published as settled by the Indian Law Commission[1] and in accordance with the Legislative despatch of the Secretary of State, No. 37, dated 7th October, 1880.

SIMLA;
6th November, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

[1] The short title and commencement of the proposed Act have been altered: sections 54 and 55 (which overlapped) have been amended; and in the first Explanation to section 59, the word "allows" has been substituted for "provides."

[First publication.]

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 22nd of the Rules for the conduct of the Legislative business of the Council of the Governor General:—

THE INDIAN EASEMENTS BILL, 1880.

CONTENTS.

PREAMBLE.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Savings.
3. Repeal of Act XV of 1877, sections 26 and 27.

CHAPTER I.—OF EASEMENTS GENERALLY.

4. "Easement" defined.
   Dominant and servient heritages and owners.
5. Affirmative easements.
   Negative easements.
6. Continuous and discontinuous, apparent and non-apparent, easements.
7. Easement for limited time or on condition.
8. Easements restrictive of certain rights.
   (a) Exclusive right to enjoy.
   (b) Rights to advantages arising from situation.

CHAPTER II.—THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

9. Who may impose easements.
10. Servient owners.
11. Lessor and mortgagor.
    Lessee.
12. Who may acquire easements.
13. Easements of necessity and *quasi*-easements.
14. Direction of way of necessity.
15. Acquisition by prescription.
16. Exclusion in favour of reversioner of servient heritage.
17. Rights which cannot be acquired by prescription.
18. Customary easements.
19. Transfer of dominant heritage passes easement.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

20. Rules controlled by contract or title.
    Incidents of customary easements.
21. Bar to use unconnected with enjoyment.

SECTIONS.

22. Exercise of easement.
    Confinement of exercise of easement.
23. Right to alter mode of enjoyment.
24. Right to do acts to secure enjoyment.
    Accessory rights.
25. Liability for expenses necessary for preservation of easement.
26. Liability for damage from want of repair.
27. Servient owner not bound to do anything.
28. Extent of easements.
    Easement of necessity.
    Other easements—
    (a) right of way;
    (b) right to light or air acquired by grant;
    (c) prescriptive right to light orair;
    (d) prescriptive right to pollute air and water.
    (e) other prescriptive rights.
29. Increase of easement.
30. Partition of dominant heritage.
31. Obstruction in case of excessive user.

CHAPTER IV.—THE DISTURBANCE OF EASEMENTS.

32. Right to enjoyment without disturbance.
33. Suit for disturbance of easement.
34. When cause of action arises for removal of support.
35. Polluting air and water previously impure.
36. Suit for continuing disturbance.
37. Injunction to restrain disturbance.
38. Abatement of obstruction of easement.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

39. Extinction by dissolution of right of servient owner.
40. Extinction by release.
41. Extinction by revocation.
42. Extinction on expiration of limited period or happening of dissolving condition.
43. Extinction on termination of necessity.
44. Extinction of useless easement.
45. (a) Extinction by substantial change of dominant heritage.
    (b) Extinction by material and permanent increase of burden.
46. Extinction on permanent alteration of servient heritage by superior force.
47. Extinction by destruction of either heritage.
48. Extinction by unity of ownership.
49. Extinction by non-user.
50. Extinction of accessory rights.
51. Suspension of easement.
52. Servient owner not entitled to require continuance.
    Compensation for damage caused by extinguishment.
53. Revival of easements.

CHAPTER VI.—LICENSES.

54. "License" defined.
55. Who may grant license.
56. Grant may be express or implied.
57. Accessory licenses annexed by law.
58. License when transferable.
59. Grantor's duty to disclose defects.

years. A's interest under his lease is transferable; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

(*e*) A is the trustee of certain land for the benefit of B. A cannot, without the consent of B, impose an easement on the trust property.

Servient owners.

10. Subject to the provisions of section nine, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(*a*) A has, in respect of his mill, a right to the uninterrupted flow thereto, from sunrise to noon, of the water of B's stream. B may grant to C the right to divert the water of the stream from noon to sunset: provided that A's supply is not thereby diminished.

(*b*) A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to feed his cattle on the grass growing on the way: provided that A's right of way is not thereby obstructed.

Lessor and mortgagor.

11. Subject to the provisions of section nine, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee as such, and a mortgagor may impose, on the property mortgaged, any easement that does not render the security insufficient within the meaning of the Transfer of Property Act, section 65. But a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

Lessee.

No lessee or other person, having a derivative interest, may impose on the property held by him as such an easement to take effect after the expiration of his own interest or in derogation of the right of the lessor or the superior proprietor.

Who may acquire easements.

12. An easement may be acquired by the owner of the dominant heritage, or, on his behalf, by any person in possession of the same.

One of two or more co-owners may, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of the heritage held in co-ownership.

7 Mad. 64.

No lessee of immoveable property can acquire for the beneficial enjoyment of other immoveable property of his own an easement in or over the property comprised in his lease.

Easements of necessity and *quasi*-easements.

13. Where one person transfers or bequeathes immoveable property to another,—

Mayor of London v. *Riggs*, 49 L. J. Chan. Div. 297.

(*a*) if an easement in other immoveable property of the transferor or testator is absolutely necessary for enjoying the subject of the transfer or bequest, as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall be entitled to such easement; or

Morgan v. *Kirby*, I. L. R. 2 Mad. 46.

(*b*) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement;

(*c*) if an easement in the subject of the transfer or bequest is absolutely necessary for enjoying other immoveable property of the transferor or testator, as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall be entitled to such easement; or

(*d*) if such an easement is apparent and continuous and necessary for enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,— 8 Bom. 181.

(*e*) if an easement over the share of one of them is absolutely necessary for enjoying the share of another of them as it was enjoyed when the partition took effect, the latter shall be entitled to such easement, or

(*f*) if such an easement is apparent and continuous and necessary for enjoying the share of the latter as it was enjoyed when the partition took effect, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

The easements mentioned in this section, clauses (*a*), (*c*) and (*e*), are called easements of necessity.

Where immoveable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(*a*) A sells B a field then used for agricultural purposes only. It is inaccessible except by passing over A's adjoining land, or by trespassing on the land of a stranger. B is entitled to a right of way, for agricultural purposes only, over A's adjoining land to the field sold.

(*b*) A, the owner of two fields, sells one to B, and retains the other. The field retained was at the date of the sale used for agricultural purposes only and is inaccessible except by passing over the field sold to B. A is entitled to a right of way, for agricultural purposes only, over B's field to the field retained.

(*c*) A grants B the minerals under a certain field belonging to A. B is entitled, if there is no other way by which he can lawfully gain the minerals, to dig through the surface of the field and to carry the minerals over it.

(*d*) A sells B a house, with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(*e*) A sells B a house, with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hand.

(*f*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale was made. Here A impliedly grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such light.

(*g*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A, retaining the house, sells the land to B, without expressly reserving any easement. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such light.

(*h*) A sells B a factory. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(*i*) A, the owner of two adjoining houses, Y and Z, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale was made, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale was made.

(*j*) A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(*k*) A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(*l*) A grants land to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

(*m*) Under the Land Acquisition Act, 1870, the officer of a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(*n*) Owing to the partition of joint property, A becomes the owner of an upper room in a building and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such amount of vertical support from B's portion as is essential for the safety of the upper room.

(*o*) A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

(*p*) A lets land to B, but excepts all the trees of a certain age growing on the land. A and the intending purchasers of the trees are entitled to a right of way over the land for the purpose of examining the trees. A is also entitled to a right of way over the land for the purpose of felling and removing the trees when they have attained the specified age.

Bolton v. *Bolton*, 11 Chan. Div. 968.

Direction of way of necessity.

14. When a right to a way of necessity is created under section thirteen, the transferor, the legal representative of the testator, or the owner of the share in which the right exists, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

Act V of 1877, s. 26.

Acquisition by prescription.

15. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

Angus v. *Dalton*.

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative), has been peaceably and openly enjoyed by any person claiming title thereto, as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support, way, watercourse, use of water or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested. N. W. P. (1875), p. 295.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section, unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made. I. L. R. 1 Calc. 430.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement of support, where the soil of the dominant heritage is subjected to artificial pressure not externally apparent, or where the outward thrust of things affixed thereto is enhanced by causes not externally apparent, the said period of twenty years begins when the circumstance by which the burden on the servient heritage is increased becomes known to the servient owner. *Angus* v. *Dalton*, L. R. 3 Q. B., 85.

Explanation V.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

Illustrations.

(*a*) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from first January, 1862, to first January, 1882. The plaintiff is entitled to judgment.

(*b*) In a like suit also brought in 1883, the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1860 to 1880. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed 'as an easement' for twenty years.

(*d*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed 'as of right' for twenty years.

Exclusion in favour of reversioner of servient heritage.

16. Provided that, when any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of Act XV of 1877, s. 27.

such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Rights which cannot be acquired by prescription.

17. Easements acquired under section fifteen are said to be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired:—

(*a*) a right which would tend to the total destruction of the servient heritage or the subject of the right;

(*b*) a right which would be inconsistent with, and not subordinate to, an actual and existing grant made by the servient owners;

(*c*) a right to the free passage of light or air to an open space of ground;

Potts v. Smith, L. R. 6 Eq. Ca. 311.

(*d*) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(*e*) a right to underground water not passing in a defined channel.

Explanation.—In this section the expression 'servient owner' means the person who, in case the acquisition referred to were made, would be the owner of the property on which liability would be imposed; and the expression 'servient heritage' means such property.

Customary easements.

18. An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

Illustrations.

(*a*) By the custom of a certain village every cultivator of village land is entitled, as such, to graze his cattle on the common pasture. A, having bought a plot of uncultivated land in the village, breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(*b*) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

Transfer of dominant heritage passes easement.

19. Where the dominant heritage is transferred or devolves, by act of parties or by operation of law, the transfer or devolution shall, unless a contrary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

Rules controlled by contract or title.

20. The rules contained in this chapter are controlled by any contract between the dominant and servient owners relating to the subject-matter, and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

And when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall affect such incident.

Incidents of customary easements.

Bar to use unconnected with enjoyment.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Illustrations.

(*a*) A, as owner of a farm Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(*b*) A, as owner of a certain house, has a right of way to and from it. For the purpose of the passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers; for this is a purpose connected with the enjoyment of the dominant heritage. So, if A lets the house, he may use the right of way for purpose of collecting the rent and seeing that the house is kept in repair.

Exercise of easement.

22. The dominant owner must exercise his right in the mode which is least onerous to the servient owner;

Confinement of exercise of easement.

and when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined.

Illustrations.

(*a*) A has a right of way over B's field. A must enter the way at either end, and not at any intermediate point.

(*b*) A has a right annexed to his house to cut thatching-grass in B's swamp. A, when exercising his easement, must cut the grass so that the plants may not be destroyed.

Right to alter mode of enjoyment.

23. Subject to the provisions of section twenty-two, the dominant owner may, from time to time, alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure even though he does not thereby impose any additional burden on the servient heritage.

Panjab Record, 1867, p. 156.

Illustrations.

(*a*) A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn mill, provided that it can be worked by the same amount of water.

(*b*) A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves, if, by so doing, he imposes a greater burden on B's land.

(*c*) A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(*d*) A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

Right to do acts to secure enjoyment.

24. The dominant owner is entitled, as against the servient owner, to do all acts necessary to secure the full enjoyment of the easement; but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair, as far as practicable, the damage (if any) caused by his act to the servient heritage.

Accessory rights.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights.

Illustrations.

(*a*) A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(*b*) A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer, provided that he does not thereby impose any additional burden on B's land.

(*c*) A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(*d*) A, as owner of a certain field, has a right of way over B's land. B renders the way impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(*e*) A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(*f*) A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(*g*) A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

Liability for expenses necessary for preservation of easement.

25. The expenses incurred in constructing works, or making repairs, or doing any other act necessary for the user or preservation of an easement, must be defrayed by the dominant owner.

Liability for damage from want of repair.

26. Where an easement is enjoyed by means of an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work.

Servient owner not bound to do anything.

27. The servient owner is not bound to do anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement; but he must not do any act tending to restrict the easement or to render its exercise more inconvenient.

N. W. P. (1867), p. 191.

Illustrations.

(*a*) A, as owner of a house, has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(*b*) A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it, nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(*c*) A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(*d*) A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(*e*) A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees so as to obstruct the passage to A's windows of that quantity of light.

Extent of easements.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect:—

Easement of necessity.

An easement of necessity is co-extensive with the necessity.

Other easements.

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

Right of way.

(*a*) a right of way of any one kind does not include any other kind:

Right to light or air acquired by grant.

(*b*) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by assurance or will, is the quantity of light or air that entered the opening at the time the assurance was made or the testator died:

Prescriptive right to light or air.

(*c*) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period, irrespectively of the purposes for which it has been used:

Prescriptive right to pollute air and water.

(*d*) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose: and

Other prescriptive rights.

(*e*) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

Increase of easement.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially increase an easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and if the dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(*a*) A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(*b*) A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(*c*) A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen

from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

Partition of dominant heritage.

30. Where a dominant heritage is divided between two or more persons, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: provided that such annexation is consistent with the terms of the instrument or decree (if any) under which the division was made or the easement was imposed and, in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(*a*) A house, to which a right of way by a particular path is annexed, is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(*b*) A house, to which is annexed the right of drawing water from a well to the extent of fifty buckets a day, is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day; but the amount drawn by both must not exceed fifty buckets a day.

(*c*) A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

Obstruction in case of excessive user.

31. In case of excessive user of an easement, the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

Illustration.

A, having a right to the free passage over B's land of light to four windows, six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.

THE DISTURBANCE OF EASEMENTS.

Right to enjoyment without disturbance.

32. The owner or occupier of the dominant heritage is entitled to enjoy the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

Suit for disturbance of easement.

33. The owner of any interest in the dominant heritage, or the occupier of such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto; provided that the disturbance has actually caused substantial damage to the plaintiff.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage, is substantial damage within the meaning of this section and section thirty-five.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial, within the meaning of this section, unless it falls within the first Explanation, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit. 5 b

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial, within the meaning of this section, if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health. 15 Beng. 68.

Illustrations.

(*a*) A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(*b*) A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground, and so as not to occasion any inconvenience to foot-passengers using the way. This is not substantial damage to A. 1 Calc. 425.

When cause of action arises for removal of support.

34. The removal of the means of support to which a dominant owner is entitled does not give rise to a right to recover compensation unless and until substantial damage is actually sustained. Act XV of 1877, s. 24.

Polluting air and water previously impure.

35. The circumstance that air or water, the subject of an easement, is already polluted by similar or different means, does not, of itself, deprive the dominant owner of his right to recover compensation from any person who adds to the pollution.

Suit for continuing disturbance.

36. Where the disturbance of an easement is continued after compensation has been recovered for the original act of disturbance, another suit may be instituted for compensation for the continuance; and the decision in the former suit is no bar to the latter.

Injunction to restrain disturbance.

37. Subject to the provisions of the Specific Relief Act, 1877, sections 52 to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement—

(*a*) if the easement is actually disturbed,—when compensation for such disturbance might be recovered under this chapter:

(*b*) if the disturbance is only threatened or intended,—when the act threatened or intended must necessarily, if performed, disturb the easement.

Abatement of obstruction of easement.

38. Notwithstanding the provisions of section twenty-four, the dominant owner cannot himself abate a wrongful obstruction of an easement. 7 Mad. H C. Rulings XXXV.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

Extinction by dissolution of right of servient owner.

39. When, from a cause which preceded the imposition of an easement, the person by whom it was imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section eleven.

Illustrations.

(*a*) A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(*b*) A, in 1860, lets Sultánpur to B for thirty years from the date of the lease. B, in 1861, imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(*c*) A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(*d*) A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section eleven. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

Extinction by release.

40. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(*a*) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(*b*) where any permanent alteration is made in the dominant heritage of such a nature as to show that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(*a*) A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(*b*) A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(*c*) A, having the right to discharge his eavesdroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished.

(*d*) A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(*e*) A, having a projecting roof by means of which he enjoys an easement to discharge eavesdroppings on B's land, alters the roof, so as to direct the rain-water into a different channel and discharge it on C's land. The easement is impliedly released.

Extinction by revocation.

41. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.

Extinction on expiration of limited period or happening of dissolving condition.

42. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.

Extinction on termination of necessity.

43. An easement of necessity is extinguished when the necessity comes to an end.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that land over which he can pass to his field. The right of way over A's land, which B had acquired, is extinguished.

Extinction of useless easement.

44. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.

45. An easement is extinguished—

Extinction by substantial change of dominant heritage.

(*a*) where the dominant heritage is substantially changed and it is not proved that the easement was intended to continue annexed thereto notwithstanding such change, or

Extinction by material and permanent increase of burden.

(*b*) where, by any change in the dominant heritage, the burden on the servient heritage is materially increased, and cannot be reduced to its original limits, and it is not proved that the burden was intended to be increased by such change.

Extinction on permanent alteration of servient heritage by superior force.

46. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer exercise his right:

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section fourteen apply to such way.

Illustrations.

(*a*) A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently and runs through C's land. B's easement is extinguished.

(*b*) Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

Extinction by destruction of either heritage.

47. An easement is extinguished when either the dominant or the servient heritage is completely destroyed. N.-W. P. (1866), p. 197.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

Extinction by unity of ownership.

48. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages. Beng. 365.

Illustrations.

(*a*) A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field, to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(*b*) The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section forty-three.

(*c*) The servient owner acquires the dominant heritage in common with a third person: the easement is not extinguished.

(*d*) The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

(*e*) The joint owners of the dominant heritage jointly acquire the servient heritage: the easement is extinguished.

(*f*) A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(*g*) A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

Extinction by non-user.

49. A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

A discontinuous easement is extinguished when, for a like period, it has not been exercised, or the dominant owner has not registered, under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registered the said declaration.

Where an easement is exerciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(*a*) where the cessation is in pursuance of a contract between the dominant and servient owners;

(*b*) where the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or

(*c*) where the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

Extinction of accessory rights.

50. When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section forty-nine. The right of way is also extinguished.

Suspension of easement.

51. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

Servient owner not entitled to require continuance.

52. The servient owner has no right to require that an easement be continued; and, notwithstanding the provisions of section twenty-six, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Compensation for damage caused by extinguishment.

Where such notice has not been given, the servient owner is entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

Revival of easements.

53. An easement extinguished under section forty-seven revives (*a*) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion; (*b*) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site; and (*c*) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient heritage. N.-W. P. (1866), p. 197.

An easement extinguished under section forty-eight revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section forty-nine.

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C, or surrenders it to B, the right of way revives.

CHAPTER VI.

LICENSES.

"License" defined.

54. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.

Who may grant license.

55. A license may be granted by any one in the circumstances and to the extent in and to which he may transfer his interest in the property affected by the license.

Grant may be express or implied.

56. The grant of a license may be express or implied from the conduct of the grantor; and an agreement purporting to create an easement, which is ineffectual for that purpose, may operate to create a license.

Accessory licenses annexed by law.

57. All licenses necessary for the enjoyment of any interest, or the exercise of any right, are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

"It is founded on personal confidence," 3 Kent 583.

License when transferable.

58. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustration.

A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

Grantor's duty to disclose defects.

59. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is, and the licensee is not, aware.

Grantor's duty not to render property unsafe.

60. The grantor of a license is bound not to do anything likely to render the property affected by the license dangerous to the person or property of the licensee.

17 Q. B. 574.

Grantor's transferee not bound by license.

61. When the grantor of the license transfers the property affected thereby, the transferee is not bound by the license.

License when revocable.

62. A license may be revoked by the grantor, unless

(*a*) it is coupled with a transfer of property and such transfer is in force: Gale 69.

(*b*) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

Revocation express or implied.

63. The revocation of a license may be express or implied.

Illustrations.

(*a*) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(*b*) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked. Gale 65.

License when deemed revoked.

64. A license is deemed to be revoked— 3 Kent 582.

(*a*) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license:

(*b*) when the licensee releases it, expressly or impliedly, to the grantor or his representative:

(*c*) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled:

(*d*) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right:

(*e*) where the licensee becomes entitled to the absolute ownership of the property affected by the license:

(*f*) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable:

(*g*) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist:

(*h*) where the license totally ceases to be used as such for an unbroken period of twenty years and such cessation is not in pursuance of a contract between the grantor and the licensee:

(*i*) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

Licensee's rights on revocation.

65. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property. L. R. 5 C. P. 334; L. R. 9 Q. B. 400.

Licensee's rights on eviction.

66. Where a license has been granted for a consideration, and the licensee, without any fault of his own, is evicted by the grantor before he has fully enjoyed, under the license, the right for which he contracted, he is entitled to recover compensation from the grantor.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is intended to form part of the Indian Civil Code, and attempts to state, clearly and compactly, the rules relating to Easements, that is to say, the rights which a man sometimes has over one piece of immoveable property by reason of his ownership of another. As to these rights our present statutory law is silent, except so far as regards the acquisition of easements by long and continued possession, the limitation of suits for disturbing them, and the granting of injunctions to prevent such disturbance; and three of our most experienced Judges—Sir Michael Westropp, Mr. Justice (now Sir Louis) Jackson and Mr. Justice Innes—have expressed their opinion that it is desirable to codify the law on the subject, which is now (to quote the Chief Justice of Bombay) "for the most part to be found only in treatises and reports practically inaccessible to a large proportion of the legal profession in the Mufassal and to the subordinate Judges." There is much litigation in the case of urban easements, and a late Judge of the Panjáb Chief Court asserts that this is largely due to the fact that neither the people themselves, nor the majority of the Courts, understand the principles upon which such disputes should be determined. The Bill is mainly based on the law of England, which, being just, equitable and almost free from local peculiarities, has, in many cases,[a] been held to regulate the subject in this country; but a few deviations (hereinafter specified) have been made from that law, and rules as to some matters which have not hitherto come under the cognizance of the English and Indian Courts have been adapted from the writings of modern jurists.

Of Easements generally.

The Bill is divided into six chapters. The first chapter treats of easements generally, and opens with a definition of the term, so framed as to exclude all rights in gross, *i.e.*, those which are not annexed to the ownership of immoveable property. The definition also indicates that the easement must be in a corporeal heritage, and that the servient owner can only be required not to do something or to suffer something to be done. The definition also requires that the easement must be of some advantage to the dominant heritage. Such advantage, it is explained, may be contingent or remote, and even a mere amenity.

An explanation declares in effect that there may be an easement entitling the dominant owner to remove and appropriate for his own use, as such, any part of the soil of the servient heritage or anything growing or subsisting thereon. This, though in conformity with continental systems of jurisprudence, is in contravention of the English law, which reckons, for instance, as an easement, the right to take water from a spring on your neighbour's land, but denies that name to a right to take grass or gravel. "It has been said," to quote Mr. Justice Markby, "that the distinction is that the first is for convenience only, while the latter is for profit. But this, besides being a very slender distinction, is not always observed. The right to take water is just as much an easement if the water be made into beer, and sold by the person who takes it, as if it be used by himself for domestic purposes."

Sections 5 and 6 define, in accordance with English law, easements affirmative and negative, continuous and discontinuous, apparent and non-apparent. An illustration to section 5 shows that an easement to restrain interference with privacy is recognised by the Bill and is a negative easement. Such a right, founded as it is on the oriental custom of secluding females, is of much importance in India: it is recognised generally in the countries whose system is founded on the Civil law; and the decisions of the High Courts adverse to such right should not, in the opinion of the Indian Law Commission, be followed by the legislature.

Section 7 declares that an easement may be for a limited period, or subject to periodical interruption, or exerciseable only at a certain time or on condition.

Easements being restrictions on the free use of property in others are regarded with disfavour by the law, and section 8 accordingly declares that all easements are in derogation of one or other of certain rights incidental to the ownership of immoveable property. These are (*a*) the exclusive right (subject to existing law) to enjoy and dispose of immoveable property and its products, and (*b*) the right of the owner of such property to the enjoyment of the natural advantages arising from its situation, such as unpolluted air, quiet, the vertical passage of light and air, the natural support of land by the soil of another, unpolluted water, draining, the uninterrupted flow of water naturally flowing in defined channels, the discharge of surface-water on lower adjoining land, and, lastly, the use of the water of a stream for drinking, household purposes, watering cattle and, *sub modo*, for irrigation and manufactures.

Imposition, Acquisition and Transfer of Easements.

Chapter II treats of the imposition, acquisition and transfer of easements. Sections 9, 10 and 11 treat of the persons capable of constituting easements, whether permanent or temporary.

[a] See, for example, in Bombay, *Calliandoss* v. *Cleveland*, 2 Ind. Jur. O.S. 16: *Ratanji H. Bottlewala* v. *Edalji H. Bottlewala*, 8 Bom. 181. In Calcutta, *Modhoosoodhun Dey* v. *Bissonath Dey*, 15 Ben. 361: *Bhuban Mohan Banerjee* v. *Elliot*, 6 Ben. 85: *Bagram* v. *Khettranath Karformah*, 3 Beng. O. C. J. 18. In the Mufassal, *Krishna Ayyan* v. *Venkatachella Mudali*, 7 Mad. 60: *Ponnusami Tevar* v. *Collector of Madura*, 5 Mad. 6, 23, 24; *Morgan* v. *Kirby*, I. L. R. 2 Mad. 46. Panjáb Record, No. 80 of 1876.

Provision is made for the cases of lessees, co-owners, trustees, servient owners, lessors and mortgagors. The Bill (here following a decision of the Madras High Court, 4 Mad. 98, but deviating from English law) does not require the express imposition of an easement to be evidenced by writing. The Bill then shews who may acquire easements, allowing one of several co-owners to acquire, without the consent of the others, an easement for the benefit of the property held in co-ownership, allowing also (in accordance with Lord Kenyon's dictum in *Large* v. *Pitt*) a lessee whose interest is permanent and transferable to acquire an easement over land held by another like lessee of the same landlord, but forbidding a lessee to acquire for the beneficial enjoyment of other land of his own an easement in respect of the land comprised in his lease. Nothing is said of the acquisition of an easement by estoppel of the servient owner, as, for instance, when a person having no right to certain land purports to impose an easement upon it and afterwards acquires the land. This matter seems sufficiently provided for by the Evidence Act.

Sections 13 and 14 deal with easements of necessity, that is to say, the rights which are absolutely necessary for enjoying property and quasi-easements, that is to say, conveniences to which an owner subjects one part of his property for the benefit of another. These conveniences, when apparent and continuous and necessary for enjoying property as it was enjoyed when it was separated by grant or bequest, will, in the absence of a stipulation to the contrary, be taken as easements by the grantee or legatee of the quasi-dominant heritage. In like manner, they will be reserved as easements by the person retaining the portion for the benefit of which the conveniences existed. The Bill here follows the decision in *Pyer* v. *Carter*, 1 H. & N. 916, rather than that in *Suffield* v. *Brown*, 33 L. J. Ch. 249. When the person entitled to set out a way of necessity refuses or neglects to do so, the Bill declares that the dominant owner shall be entitled to set it out. But there is no rule, such as exists in England, that a way of necessity shall not be varied save with the consent of both dominant and servient owners, or unless the servient owner renders it impassable. The omission is intentional, as such a rule would, it is said by an eminent authority, be opposed to Indian rural economy and convenience.

The Bill then deals with the important subject of the acquisition of easements by long and continued possession. Sections 15 and 16 correspond to sections 26 and 27 of the Indian Limitation Act, 1877, but with the addition, in section 15, of a provision that a prescriptive right to support may, by user for twenty years, be acquired for land with things affixed thereto, and of explanations that nothing is an "enjoyment" when it has been had in pursuance of an agreement with the owner of the property over which the right is claimed and such right has not been granted as an easement, and that suspension of the enjoyment of an easement in pursuance of a contract between the dominant and servient owners is not such an interruption as will defeat a claim by prescription. Section 17 sets forth the limits to the acquisition of prescriptive rights. It agrees with the present law and its English prototype (where the user has continued for forty years) in making no provision for cases in which the servient owner is ignorant of the user or has been incapable of resisting it. The Bill also provides, in accordance with a decision of the House of Lords, that a right tending to the destruction of the servient heritage cannot be acquired by prescription.

Section 18 deals with customary easements, *i.e.*, easements acquired in virtue of a local custom, such, for example, as the custom that every cultivator of village-land is entitled, as such, to graze his cattle on the common pasture, and the custom that no owner of a house can open a new window therein so as substantially to invade his neighbour's privacy.

As an easement exists only for the beneficial enjoyment of a certain thing, it cannot be separated from that thing. Section 19, taken from the Transfer of Property Bill, accordingly declares that the transfer of a dominant heritage passes the easement, unless a contrary intention appears.

Incidents of Easements.

Chapter III deals with the user, the extent and other incidents of easements. The rules which it contains are expressly made subject to the incidents of customary easements to contract and to the provisions of any instrument or of a decree by which an easement is imposed. As an easement exists only for the benefit of a certain heritage, it can be exercised only in the interests of that heritage, and to supply its wants. Section 21 accordingly declares that an easement cannot be used for any purpose unconnected with the enjoyment of the dominant heritage. As the law does not favour restrictions on rights of property, section 22 declares that an easement must be exercised in the mode least onerous to the servient owner, and allows him to confine such exercise to a determinate part of the servient heritage, when this can be done without detriment to the dominant owner. Section 23 allows, on the other hand, a corresponding privilege to the dominant owner by permitting him to alter the mode and place of enjoying his easement so long as such alteration imposes no additional burden on the servient heritage. By sections 24, 25 and 26, the dominant owner may, in proper time and manner, do what is necessary to secure the full enjoyment of his easement; bearing the expense of constructing or repairing necessary works, and being liable for damage arising from their disrepair. As an easement is imposed on a thing, and not on its owner, section 27 declares that the servient owner is not, as such, bound to do anything for the benefit of the dominant heritage. This rule, however, like the others in the chapter, is subject to local usage saved by law, such, for example, as the Panjáb

usage, that the servient owner of upper land shall in *Chait* break his dam so as to ensure a certain modicum of water to the dominant owner of the lower land. Section 28 defines, in accordance with English decisions, the mode in which the extent of easements is to be determined; section 29 declares the law as to the increase of easements, including the case, noticed by Pothier, of increase of the dominant heritage by alluvion. As easements are indivisible; as they cannot be acquired, exercised or lost in, or for the benefit of, an ideal part of a heritage, section 30 declares that when the dominant heritage is divided, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage.

The chapter concludes with a declaration that the servient owner may ordinarily obstruct an excessive user of an easement (but only on the servient heritage). This, of course, is without prejudice to any other remedy, such as a suit for compensation or an injunction, to which he may be entitled.

Disturbance of Easements.

Chapter IV, on the disturbance of easements, after describing the general right to undisturbed enjoyment, proceeds (section 33) to provide that the owner of any interest in the dominant heritage, or the occupier of the heritage, may sue for a disturbance if it has caused him substantial damage. Such damage includes the doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage. As the law stands both in England and in India, a suit will lie for the disturbance of a right to light where the obstruction interferes materially with the comfort of the plaintiff. But in the case of a right to air, the obstruction, to be actionable, must amount to a nuisance (3 Beng. O. C. 18). It would seem that, in a country like India, the right to air is entitled to at least as much favour as the right to light, and that we should not in this respect follow a law fashioned upon the wants of the inhabitants of a northern country (15 Beng. 68). The Bill accordingly allows a suit for the obstruction of the free passage of air where it interferes materially with the plaintiff's physical comfort, although it is not injurious to his health.

The period at which the cause of action arises when a right of support is disturbed is declared, by section 34, in accordance with the decision in *Bonomi* v. *Backhouse*, and the Indian Limitation Act, 1877, section 24, to be when the damage is sustained.

Cases of polluting air and water previously impure are dealt with in section 35.

Suits for continuing disturbances are provided for by section 36, and rules as to injunctions to restrain disturbances are added by section 37 to those already contained in the Specific Relief Act.

In section 38, the right to abate a wrongful obstruction of light, air or water, is disallowed. This, though a deviation from English law, will avoid the risk of riot and trespass, and is a step taken in the direction in which all modern systems of law have tended, of forbidding private persons to redress their grievances by their own act. There is, it seems, a contrary usage in the Sialkot District; but this will be saved by section 2, clause (*b*).

Extinction, Suspension and Revival of Easements.

Chapter V deals with the extinction, suspension and revival of easements. It first states eleven cases in which an easement may be extinguished, as follows:—

(*a*) by dissolution of the right of the person who imposed the easement (section 39):

(*b*) by release (section 40):

(*c*) by revocation (section 41):

(*d*) by expiration of the time for which the easement was imposed or the happening of the dissolving condition annexed thereto (section 42):

(*e*) in the case of an easement of necessity, when the necessity ends (section 43):

(*f*) when the easement becomes incapable of being under any circumstances beneficial (section 44):

(*g*) by alteration of the dominant heritage (section 45):

(*h*) by alteration of the servient heritage (section 46):

(*i*) by destruction of either heritage (section 47):

(*j*) by unity of ownership (section 48):

(*k*) by non-user (section 49).

In most of these cases the reason for extinction is obvious. Three, however, may need explanation. Useless restrictions of the rights of property are to be avoided, and section 44 consequently declares that an easement which, under no circumstances, can be advantageous to the dominant heritage shall cease to exist. Every easement is a right which the dominant owner would not require if he were also owner of the servient heritage. Section 48 therefore declares that an easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages.

The section (49) treating of extinctive prescription, *i.e.*, the extinction by non-user of prescriptive rights and other easements, requires fuller notice. As in the case of acquisition by prescription, the Bill does not assume that a fictitious grant has been made by the servient owner, so here the Bill rejects the doctrine that non-user is to be regarded merely as evidence from which a release may be implied, and proposes the following rules on this difficult subject—

"A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

"A discontinuous easement is extinguished when, for a like period, it has not been exercised, or the dominant owner has not registered, under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

"Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registered the said declaration.

"Where an easement is exerciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

"The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

"An easement is not extinguished under this section, (*a*) where the cessation is in pursuance of a contract between the dominant and servient owners, (*b*) where the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or (*c*) where the easement is a necessary easement.

"Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement."

It will be seen that the same period is fixed for the loss of an easement by non-user as for its original acquisition by enjoyment[a]; that this method of extinction is not confined (as seems to be the case in America) to prescriptive rights, and that no exception is made where the exercise of the easement has been prevented by force or by the theft of its subject. There is, in such cases, a *de facto* interruption of the dominant owner's quasi-possession, even though he is unaware of the obstruction or ignorant of his right. Where the dominant owner exercises, during the prescriptive period, a right less extensive than that to which he is entitled, some systems lay down that his easement shall be reduced to the right actually exercised. The Bill omits all provisions on this head, partly because they are inconsistent with the indivisible nature of an easement, and partly because they would obviously encourage litigation.

Nothing is said of the extinction of an easement by estoppel of the dominant owner, as this matter seems sufficiently provided for by the Evidence Act.

The extinction of rights accessory to easements is provided for by section 50.

The suspension of easements by unity of possession is then dealt with by section 51. Suspension by encroachment is not recognised by the Bill.

Section 52 negatives any right of the servient owner to require that an easement should continue. It also negatives his right to demand compensation for damage caused by its extinguishment or suspension if the dominant owner has given him such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage. Where such notice has not been given, the servient owner will be entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension. The Bill here deviates somewhat from the English law, as declared in *Mason* v. *The Shrewsbury and Hereford Railway Company*, L. R. 6 Q. B. 578.

Lastly, section 53 deals with the revival of extinguished and suspended easements, and provides, not only for the common case of a house pulled down for the purpose of re-building, but also for that of a diluviated heritage restored by alluvion.

The Bill saves (section 2) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, or of the water flowing, collected, retained or distributed in or by any channel or other

[a] It was held by the High Court at Fort William, that a right of way was lost by non-user for *six* years, 5 Beng. Appendix 66. In *Ward* v. *Ward* (7 Exch. 838), on the other hand, such a right was held to survive a non-user for more than twenty years.

work constructed at the public expense for irrigation. The power of the Executive to carry out schemes of irrigation will thus remain unhampered. The Bill also saves all enactments not expressly repealed, such, for example, as the Forest Act and, in the Panjáb, Act IV of 1873, section 7, and in Oudh, Act XVIII of 1876, section 4. It will thus avoid interference with forest-conservancy and with local usage in those parts of India in which customary law prevails. It also, *ex abundante cautela*, saves any customary or other right (not conferred by license) over land which the Government, the public or any person may possess irrespective of any other land. Such rights, when conferred by license, are dealt with by Chapter VI.

It may, in conclusion, be remarked that a rough draft of this Bill was circulated in February, 1878, to the Local Governments for opinion. The result was a mass of criticism, some of which was searching and therefore welcome. The Bill was then revised and submitted to the Indian Law Commissioners, who in their report made the following observations :—

"The chief objections taken to the Bill are that, by informing people of their rights, it will provoke litigation, and that it will abolish or otherwise interfere with easements recognised only by local usage. The former objection, if valid, is an objection to all positive law declaring rights, and, in a less degree, to every decision of a court of justice which enunciates a general rule respecting rights. But it is matter of ordinary experience that people are more prone to bring or resist claims to doubtful than to certain rights; that, in other words, litigation is promoted by doubt as to what is, and what is not, a right recognised by the courts of justice. By its explicit declarations of the law on points now held doubtful by the people, the Bar and the Judges of the Subordinate Courts, the Bill appears likely to check, rather than increase, litigation. As to the latter objection, that the Bill will interfere with local usages, we have been unable to find in the papers submitted to us a single instance of a right in the nature of an easement that would have been affected *in malam partem* by the Bill; and we strongly suspect that many of its critics have confounded rights in gross with easements properly so called."

The Bill as revised by the Law Commission extends to the whole of British India; but as there are some parts of the country (*e.g.*, Assam and British Burma) where the rights with which it deals are said to be practically unknown; as in others (*e.g.*, the Panjáb), it may, perhaps, be expedient to extend it to towns, leaving the rural districts entirely to their local usage, the Local Governments are invited to state whether the extension of the proposed law should be made permissive.

The Bill is now published in accordance with the permission of the present Secretary of State for India, and, save that the definition of an apparent easement has been amended, that section 13 (as to easements of necessity) has been slightly altered so as to express the recent decision of the Master of the Rolls in *Mayor of London* v. *Riggs* (49 L. J. Chan. Div. 297), and that the commencement of the Act and the dates in the illustrations to section 15 have been changed, it reproduces the draft as settled by the Law Commission.

SIMLA;
The 6th November, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 20, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor General :—

THE INDIAN TRUSTS BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title.
   Commencement.
   Local extent.
   Savings.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

OF THE CREATION OF TRUSTS.

4. Lawful purpose.
5. Trust of immoveable property.
   Trust of moveable property.
6. Creation of trust.
7. Who may create trust.
8. Subject of trust.
9. Who may be beneficiary.
   Disclaimer by beneficiary.
10. Who may be trustee.
    No one bound to accept a trust.
    Acceptance of trust.
    Disclaimer of trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

11. Trustee to execute trust.
12. Trustee to inform himself of state of trust-property.
13. Trustee to protect title to trust-property.
14. Trustee not to set-up title adverse to beneficiary.
15. Care required from trustee.
16. Conversion of perishable property.
17. Trustee to be impartial.
18. Trustee to prevent waste.
19. Accounts and information.
20. Investment of trust-money.
    Mortgage of land pledged to Government under Act XXVI of 1871.
    Deposit in Government Savings Bank.
21. Sale by trustee directed to sell within specified time.
22. Transfer to beneficiary on completion of purpose.
23. Liability for breach of trust.
24. No set-off allowed to trustee.
25. Non-liability for predecessor's default.
26. Non-liability for co-trustee's default.
    Joining in receipt for conformity.
27. Several liability of co-trustees.
    Contribution as between co-trustees.
28. Non-liability of trustee paying without notice of transfer by beneficiary.
29. Liability of trustee where beneficiary's interest is forfeited to Government.
30. Indemnity of trustees.

SECTIONS.

CHAPTER IV.

OF THE RIGHTS AND POWERS OF TRUSTEES.

31. Right to title-deeds.
32. Right to reimbursement of expenses.
Right to be recouped for erroneous overpayment.
33. Right to indemnity from gainer by breach of trust.
34. Right to apply to Court for opinion in management of trust-property.
35. Right to settlement of accounts.
36. General authority of trustee.
37. Power to sell in lots, and either by public auction or private contract.
38. Power to sell under special conditions.
Power to buy-in and re-sell.
Time allowed for selling trust-property.
39. Power to convey.
40. Power to vary investments.
41. Power to apply property of minors, &c., for their maintenance, &c.
42. Power to give receipts.
43. Power to several trustees of whom one disclaims or dies.
44. Suspension of trustee's powers by decree.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

45. Trustee cannot renounce after acceptance.
46. Trustee cannot delegate.
47. Co-trustees cannot act singly.
48. Control of discretionary power.
49. Trustee may not charge for services.
50. Trustee may not use trust-property for his own profit.
51. Trustee for sale or his agent may not buy.
52. Trustee may not buy beneficiary's interest without permission.
Trustee for purchase.
53. Co-trustees may not lend to one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

54. Rights to rents and profits.
55. Right to specific execution.
Right to transfer of possession.
56. Right to inspect and take copies of instrument of trust, accounts, &c.
57. Right to transfer beneficial interest.
58. Right to sue for execution of trust.
59. Right to proper trustees.
60. Right to compel to any act of duty.
61. Wrongful purchase by trustee.
62. Following trust-property—
into the hands of third persons;
into that into which it has been converted.
63. Acquisition by trustee of trust-property wrongfully converted.
64. Wrongful employment of trust-funds in trade.
65. Right in case of blended property.
66. Wrongful employment by partner-trustee of trust-property for partnership purposes.
67. Liability of beneficiary joining in breach of trust.
68. Rights and liabilities of beneficiary's transferee.

SECTIONS.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

69. Office how vacated.
70. Discharge of trustee.
71. Petition to be discharged from trust.
72. Appointment of new trustees on death, &c.
73. Appointment by Court.
Rule for selecting new trustees.
74. Vesting of trust-property in new trustees.
Powers of new trustees.
75. Survival of trust.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

76. Trust how extinguished.
77. Revocation of trust.
78. Revocation not to defeat what trustees have duly done.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

79. Where obligation in nature of trust is created.
80. Where it does not appear that transferor intended to dispose of beneficial interest.
81. Transfer to one for consideration paid by another.
82. Trust incapable of execution or executed without exhausting trust-property.
83. Transfer for illegal purpose.
84. Bequest for illegal purpose.
Bequest of which revocation is prevented by coercion.
85. Transfer pursuant to rescindible contract.
86. Transfer in fraud of transferor's creditors.
87. Debtor becoming creditor's representative.
88. Advantage gained by fiduciary.
89. Advantage gained by exercise of undue influence.
90. Advantage gained by qualified owner.
91. Property acquired with notice of existing contract.
92. Purchase by person contracting to buy property to be held on trust.
93. Advantage secretly gained by one of several compounding creditors.
94. Constructive trusts in cases not expressly provided for.
95. Obligor's duties, liabilities and disabilities.
96. Saving of rights of *boná fide* purchasers.

THE SCHEDULE.

A Bill to define and amend the law relating to Private Trusts and Trustees.

Preamble. WHEREAS it is expedien to define and amend the law relating to private trusts and trustees; It is hereby enacted as follows:—

Trusts in India of various kinds, 18 W. R. (P.C.) [illegible] Trusts for benefit of creditors, 1 Bom. [illegible] 233 : 9 B[illegible] 240: 10 B[illegible] 327. Tr[illegible] misapply[illegible] trust [illegible] Suth. 60.

CHAPTER I.

PRELIMINARY.

Short Title. Commencement. 1. This Act may be called "The Indian Trusts Act, 1882": and it shall come into force on the first day of March 1882.

Local extent. Savings. It extends to the whole of British India; but nothing herein contained affects the rules of Muhammadan law as to *waqf*, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, or to trusts to distribute prizes taken in war among the captors; and nothing in the second chapter of this Act applies to trusts created before the said day.

As to family religious trusts, 10 Beng. 19: Norton, II, 406. As to Pagoda-trustees, see 1 Mad. 415: 7 Mad. 77: Act XX of 1863.

Property purchased in name of an idol, 15 Beng. 176.

Repeal of enactments. 2. On and from that day the Statutes and Acts mentioned in the Schedule hereto annexed shall be repealed to the extent therein mentioned.

Interpretation clause. 3. A "trust" is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner or declared and accepted by him, for the benefit of another, or of another and the owner:

"trust":

"author of the trust": the person who reposes or declares the confidence is called the "author of the trust":

"trustee": the person who accepts the confidence is called the "trustee":

"beneficiary": the person for whose benefit the confidence is accepted is called the "beneficiary":

"trust-property": the subject-matter of the trust is called "trust-property," or "trust-money":

the "beneficial interest" or "interest" of the beneficiary is his right against the trustee as owner of the trust-property;

"instrument of trust": and the instrument, if any, by which the trust is declared is called the "instrument of trust:"

"breach of trust": a breach of any duty imposed on a trustee, as such, by any law for the time being in force, is called a "breach of trust":

"registered": and in this Act, unless there be something repugnant in the subject or context, "registered" means registered under the law for the registration of documents for the time being in force:

"notice." a person is said to have "notice" of a fact either when he actually knows that fact or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229; and all

Expressions defined in Act IX of 1872. expressions used herein and defined in the Indian Contract Act, 1872, shall be deemed to have the meanings respectively attributed to them by that Act.

g., 'fraud,' 87, infra.

CHAPTER II.

OF THE CREATION OF TRUSTS.

Lawful purpose. 4. A trust may be created for any lawful purpose. The purpose of a trust is lawful unless it is (*a*) forbidden by law, or (*b*) is of such a nature that, if permitted, it would defeat the provisions of any law, or (*c*) is fraudulent, or (*d*) involves or implies injury to the person or property of another, or (*e*) the Court regards it as immoral or opposed to public policy.

9 Beng. 377: Act IX of 1872, s. 23. Beng. Reg. II of 1793, s. 19, forbids Collectors to make their subordinates their trustees. Perpetuity, 14 Beng. 175.

Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

Explanation.—In this section, the expression "law" includes, where the trust-property is immoveable and situate in a foreign country, the law of such country.

See *Nelson v. Bridport*, 8 Beav. 547.

Illustrations.

(*a*). A conveys property to B in trust to apply the profits to the nurture of female foundlings to be trained up as prostitutes. The trust is void.

(*b*). A conveys property to B in trust for C for his life, and after his death to D for his life, and after D's death to such of the sons of D as shall first attain the age of twenty-five. A, B, C and D are persons to whom the Indian Succession Act, 1865, applies. The trust after D's death is void.

Act X of 1865, s. 101.

(*c*). A bequeathes property to B in trust to employ it in carrying on a smuggling business, and out of the profits thereof to support A's children. The trust is void.

(*d*). A, while in insolvent circumstances, transfers property to B in trust for A during his life, and after his death for B. A is declared an insolvent. The trust for A is invalid as against his creditors.

Trust of immoveable property. 5. No trust in relation to immoveable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or by the will of the author of the trust or of the trustee.

Trust of moveable property. No trust in relation to moveable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

These rules do not apply where they would operate so as to effectuate a fraud.

Creation of trust. 6. Subject to the provisions of section five, a trust is created when the author of the trust indicates with reasonable certainty by any words or acts (*a*) an intention on his part to create thereby a trust, (*b*) the purpose of the trust, (*c*) the beneficiary, and (*d*) the trust-property, and (unless the trust is declared by will, or the author of the trust is himself to be the trustee) transfers the trust-property to the trustee.

Whether voluntary declaration of trust is binding against Hindú declarant, 4 Mad. 462. Transmutation of possession unnecessary, [illegible] Bomb. 143 (a Pársí case): Act I of 1877, s. 3: See 7 Bomb. A. C. J. 149.

Illustrations.

(*a*). A bequeathes certain property to B, "having the fullest confidence that he will dispose of it for the benefit of" C. This creates a trust so far as regards A and C.

(*b*). A bequeathes certain property to B, "hoping he will continue it in the family." This does not create a trust, as the beneficiary is not indicated with reasonable certainty.

(*c*). A bequeathes certain property to B, requesting him to distribute it amongst such members of C's family as B should think most deserving. This does not create a trust, for the beneficiaries are not indicated with reasonable certainty.

(*d*). A bequeathes certain property to B, desiring him to divide the bulk of it among C's children. This does not create a trust, for the trust-property is not indicated with sufficient certainty.

(*e*). A bequeathes a shop and stock-in-trade to B, on condition that he pays A's debts and a legacy to C. This is a condition, not a trust for A's creditors and C.

Who may create trusts. 7. A trust may be created—

Cf. Act IX of 1872, ss. 11 & 12.

(*a*) by every person competent to contract, and

(*b*) with the permission of a principal Civil Court of original jurisdiction, by or on behalf of a minor;

but subject in each case to the law for the time being in force as to the circumstances and extent

in and to which the author of the trust may dispose of the trust-property.

Subject of trust.

8. The subject-matter of a trust must be property transferable to the beneficiary.

It must not be a merely beneficial interest under a subsisting trust.

Who may be beneficiary.

9. Every person capable of holding property may be a beneficiary.

Disclaimer by beneficiary.

A proposed beneficiary may renounce his interest under the trust by disclaimer addressed to the trustee, or by setting up, with notice of the trust, a claim inconsistent therewith.

Act IX of 1872, s. 11.

Who may be trustee.

10. Every person capable of holding property may be a trustee; but where the trust involves the exercise of discretion, he cannot execute it unless he is competent to contract.

No one bound to accept trust.

No one is bound to accept a trust.

Acceptance of trust.

Subject to the provisions of section five, a trust is accepted by any words or acts of the trustee indicating with reasonable certainty such acceptance.

Disclaimer of trust.

Instead of accepting a trust, the intended trustee may, within a reasonable period, disclaim it, and such disclaimer shall prevent the trust-property from vesting in him.

A disclaimer by one of two or more co-trustees vests the trust-property in the other or others and makes him or them sole trustee or trustees from the date of the creation of the trust.

Illustrations.

(*a*). A bequeathes certain property to B and C, his executors, as trustees for D, B and C prove A's will. This is in itself an acceptance of the trust, and B and C hold the property in trust for D.

(*b*). A transfers certain property to B in trust to sell it and to pay out of the proceeds A's debts. B accepts the trust and sells the property. So far as regards B, a trust of the proceeds is created for A's creditors.

(*c*). A bequeathes a lákh of rupees to B upon certain trusts and appoints him his executor. B severs the lákh from the general assets and appropriates it to the specific purpose. This is an acceptance of the trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

Trustee to execute trust.

11. The trustee is bound to fulfil the purpose of the trust, and to obey the directions of the author of the trust given at the time of its creation, except as modified by the consent of all the beneficiaries being competent to contract.

Where the beneficiary is incompetent to contract, his consent may, for the purposes of this section, be given by a principal Civil Court of original jurisdiction.

Nothing in this section shall be deemed to require a trustee to obey any direction when to do so would be impracticable, illegal or manifestly injurious to the beneficiaries.

Explanation.—Unless a contrary intention be expressed, the purpose of a trust for the payment of debts shall be deemed to be (*a*) to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and (*b*) in the case of debts not bearing interest, to make such payment without interest.

Illustrations.

(*a*). A, a trustee, is simply authorized to sell certain land by public auction. He cannot sell the land by private contract.

(*b*). A, a trustee of certain land for X, Y and Z, is authorized to sell the land to B for a specified sum. X, Y and Z, being competent to contract, consent that A may sell the land to C, for a less sum. A may sell the land accordingly.

(*c*). A, a trustee for B and her children, is directed by the author of the trust to lend, on B's request, trust-property to B's husband, C, on the security of his bond. C becomes insolvent, and B requests A to make the loan. A may refuse to make it.

Trustee to inform himself of state of trust-property.

12. A trustee is bound to acquaint himself, as soon as possible, with the nature and circumstances of the trust-property; to obtain, where necessary, a transfer of the trust-property to himself; and (subject to the provisions of the instrument of trust) to get in trust-moneys invested on insufficient or hazardous security.

Illustrations.

(*a*). The trust-property is a debt outstanding on personal security. The instrument of trust gives the trustee no discretionary power to leave the debt so outstanding. The trustee's duty is to recover the debt without unnecessary delay. — 4 Moo. I. A. 452.

(*b*). The trust-property is money in the hands of one of two co-trustees. No discretionary power is given by the instrument of trust. The other co-trustee must not allow the former to retain the money for a longer period than the circumstances of the case require. — *Bái Jaddo* v. *Tribhuvandás* 9 Bom. 333.

Trustee to protect title to trust-property.

13. A trustee is bound to maintain and defend all such suits, and (subject to the provisions of the instrument of trust) to take such other steps as, regard being had to the amount or value of the trust-property, may be reasonably requisite for the preservation of the trust-property and the assertion or protection of the title thereto. — Act I of 1877, s. 10, expl. 1.

Illustration.

The trust-property is immoveable property which has been given to the author of the trust by an unregistered instrument. Subject to the provisions of the Indian Registration Act, 1877, the trustee's duty is to cause the instrument to be registered.

Trustee not to set-up title adverse to beneficiary.

14. The trustee must not for himself or another set-up or aid any title to the trust-property adverse to the interest of the beneficiary.

Care required from trustee.

15. A trustee is bound to deal with the trust-property as carefully as a man of ordinary prudence would deal with such property if it were his own; and, in the absence of a contract to the contrary, a trustee so dealing is not responsible for the loss, destruction or deterioration of the trust-property. — Act IX of 1872, ss. 151, 152.

Illustrations.

(*a*). A, living in Calcutta, is a trustee for B, living in Bombay. A remits trust-funds to B by bills drawn by a person of undoubted credit in favour of the trustee as such, and payable at Bombay. The bills are dishonoured. A is not bound to make good the loss.

(*b*). A, a trustee of leasehold property, directs the tenant to pay the rents on account of the trust to a banker, B, then in credit. The rents are accordingly paid to B, and A leaves the money with B only till wanted. Before the money is drawn out, B becomes insolvent. A having had no reason to believe that B was in insolvent circumstances, A is not bound to make good the loss.

(*c*). A, a trustee of two debts for B, releases one and compounds the other, in good faith and reasonably believing that it is for B's interest to do so. A is not bound to make good any loss caused thereby to B.

(*d*). A, a trustee directed to sell the trust-property by auction, sells the same, but does not advertise the sale and otherwise fails in reasonable diligence in inviting competition. A is bound to make good the loss caused thereby to the beneficiary.

(*e*). A, a trustee for B, in execution of his trust, sells the trust-property, but from want of due diligence on his part fails to receive part of the purchase-money. A is bound to make good the loss thereby caused to B.

(*f*). A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums, and the policy is consequently forfeited. A is bound to make good the loss to B.

(*g*). A bequeathes certain moneys to B and C as trustees, and authorizes them to continue trust-moneys upon the personal security of a certain firm in which A had himself invested them. A dies, and a change takes place in the firm. B and C must not permit the moneys to remain upon the personal security of the new firm.

(*h*). A, a trustee for B, allows the trust to be executed solely by his co-trustee C. C misapplies the trust-property. A is personally answerable for the loss resulting to B.

Conversion of perishable property.

16. Where the trust is created for the benefit of several persons in succession, and the trust-property is of a wasting nature or a future or reversionary interest, the trustee is bound, unless an intention to the contrary may be inferred from the instrument of trust, to convert the property into property of a permanent and immediately profitable character.

Illustrations.

(*a*). A bequeathes to B all his property in trust for C during his life, and on his death for D, and on D's death for E. A's property consists of three leasehold houses, and there is nothing in A's will to show that he intended the houses to be enjoyed in specie. B should sell the houses, and invest the proceeds in accordance with section twenty.

(*b*). A bequeathes to B his three leasehold houses in Calcutta and all the furniture therein in trust for C during his life, and on his death for D, and on D's death for E. Here an intention that the houses and furniture should be enjoyed in specie appears clearly, and B should not sell them.

Trustee to be impartial.

17. Where there are more beneficiaries than one, the trustee is bound to be impartial, and must not execute the trust for the advantage of one at the expense of another.

Where the trustee has a discretionary power, nothing in this section shall be deemed to authorize the Court to control the exercise reasonably and in good faith of such discretion.

Illustration.

A, a trustee for B, C and D, is empowered to choose between several specified modes of investing the trust-property. A in good faith chooses one of these modes. The Court will not interfere, although the result of the choice may be to vary the relative rights of B, C and D.

Trustee to prevent waste.

18. Where the trust is created for the benefit of several persons in succession and one of them is in possession of the trust-property, if he commits, or threatens to commit, any act which is destructive or permanently injurious thereto, the trustee must take measures to prevent such act.

Accounts and information.

19. A trustee is bound (*a*) to keep clear and accurate accounts of the trust-property, and (*b*), at all reasonable times, at the request of the beneficiary, to furnish him with full and accurate information as to the amount and state of the trust-property.

Investment of trust-money.

20. Where the trust-property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee must (subject to any direction contained in the instrument of trust) invest the money on the following securities, and on no others:— — Act XXVIII of 1866, ss. 5 and 32. As to the necessity of some such provisions, see *DeSouza* v. *DeSouza*, 12 Bom. 184.

(*a*) in promissory notes, debentures, stock or other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland; — Cf. 23 & 24 Vic., c. 145, s. 25.

(*b*) in bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

(*c*) in stock or debentures of, or shares in Railway or other Companies the interest whereon shall have been guaranteed by the Secretary of State for India in Council; — Cf. 32 & 33 Vic., c. 132, s. 2.

(*d*) in debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India; — Cf. 34 & 35 Vic., c. 47, s. 13.

(*e*) on a first mortgage of immoveable property situate in British India: provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the mortgage-money; or

(*f*) on any other security expressly authorized by the instrument of trust:

Provided that, where there is a person competent to contract and entitled in possession to receive the income of the trust-property for his life, or for any greater estate, no investment on any security mentioned or referred to in clauses (*d*), (*e*) and (*f*) shall be made without his consent in writing. — The Statute excepts investment on Consols.

Mortgage of land pledged to Government under Act XXVI of 1871.

Nothing in this section shall be deemed to preclude an investment on a mortgage of immoveable property already pledged as security for an advance under the Land Improvement Act, 1871, or, in case the trust-money does not exceed one thousand rupees, a deposit thereof in a Government Savings Bank. — 27 & 28 Vic., c. 114, s. 61.

Deposit in Government Savings Bank.

Sale by trustee directed to sell within specified time.

21. Where a trustee directed to sell within a specified time extends such time, as between himself and the beneficiary, the burden of proving that the latter is not prejudiced by the extension lies upon the trustee, unless the extension has been authorized by a principal Civil Court of original jurisdiction.

Illustration.

A bequeathes property to B, directing him with all convenient speed and within five years to sell it, and apply the proceeds for the benefit of C. In the exercise of reasonable discretion, B postpones the sale for six years. The sale is not thereby rendered invalid, but C, alleging that he has been injured by the postponement, institutes a suit against B to obtain compensation. In such suit the burden of proving that C has not been injured lies on B.

Transfer to beneficiary on completion of purpose.

22. When the purpose of the trust is completely fulfilled, the trustee must on demand transfer the trust-property to his beneficiary, unless the trustee has notice of any title in another which is para-

mount to the beneficiary's interest and of an intention to assert such title.

Liability for breach of trust.

23. Where the trustee commits a breach of trust, he is liable to make good the loss which the trust-property has thereby sustained, unless the beneficiary has by fraud induced the trustee to commit the breach, or the beneficiary, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, concurred in the breach, or subsequently acquiesced therein, with full knowledge of the facts of the case and of his rights as against the trustee.

Illustrations.

(*a*). A trustee improperly leaves trust-property outstanding and it is consequently lost: he is liable to make good the property lost, but he is not liable to pay interest thereon.

(*b*). A bequeathes a house to B in trust to sell it and pay the proceeds to C. B neglects to sell the house for a great length of time, whereby the house is deteriorated and its market price falls. B is answerable to C for the loss.

(*c*). A trustee is guilty of unreasonable delay in investing trust-money in accordance with section twenty, or in paying it to the beneficiary. The trustee is liable to pay interest thereon for the period of the delay.

(*d*). The duty of the trustee is to invest trust-money in any of the securities mentioned in section twenty, clause (*a*), (*b*), (*c*) or (*d*). Instead of so doing, he retains the money in his hands. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, and the intermediate dividends and interest thereon.

(*e*). The instrument of trust directs the trustee to invest trust-money either in any of such securities or on mortgage of immoveable property. The trustee does neither. He is liable for the principal money and interest.

(*f*). The instrument of trust directs the trustee to invest trust-money in any of such securities and to accumulate the dividends thereon. The trustee disregards the direction. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and compound interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, together with the amount of the accumulation which would have arisen from a proper investment of the intermediate dividends.

(*g*). Trust-property is invested in one of the securities mentioned in section twenty, clause (*a*), (*b*), (*c*) or (*d*). The trustee sells such security for some purpose not authorized by the terms of the instrument of trust. He is liable, at the option of the beneficiary, either to replace the security with the intermediate dividends and interest thereon, or to account for the proceeds of the sale with interest thereon.

(*h*). The trust-property consists of land. The trustee sells the land to a purchaser for a consideration without notice of the trust. The trustee is liable, at the option of the beneficiary, to purchase other land of equal value to be settled upon the like trust, or to be charged with the proceeds of the sale with interest, or to be charged with the present estimated value of the land sold, after deducting therefrom any decrease of price caused by subsequent improvements.

No set-off allowed to trustee.

24. A trustee who is liable for a loss occasioned by a breach of trust in respect of one portion of the trust-property cannot set-off against his liability a gain which has accrued to another portion of the trust-property through another and distinct breach of trust.

Non-liability for predecessor's default.

25. Where a trustee succeeds another, he is not, as such, liable for the acts or defaults of his predecessor.

Non-liability for co-trustee's default.

26. Subject to the provisions of sections thirteen and fifteen, one trustee is not, as such, liable for a breach of trust committed by his co-trustee:

Provided that, in the absence of an express declaration to the contrary in the instrument of trust, a trustee is so liable—

(*a*) where he has delivered trust-property to his co-trustee without seeing to its proper application: Act I of 1877, s. iii. (*b*).

(*b*) where he allows his co-trustee to receive trust-property and fails to make due enquiry as to the co-trustee's dealings therewith, or allows him to retain it longer than the circumstances of the case reasonably require:

(*c*) where he becomes aware of a breach of trust committed or intended by his co-trustee, and either actively conceals it or does not within a reasonable time take proper steps to protect the beneficiary's interest.

Joining in receipt for conformity.

A co-trustee who joins in signing a receipt for trust-property and proves that he has not received the same is not answerable, by reason of such signature only, for loss or misapplication of the property by his co-trustee.

Illustration.

A bequeathes certain property to B and C, and directs them to sell it and invest the proceeds for the benefit of D. B and C accordingly sell the property, and the purchase-money is received by B and retained in his hands. C pays no attention to the matter for two years and then calls on B to make the investment. B is unable to do so, becomes insolvent, and the purchase-money is lost. C may be compelled to make good the amount.

Several liability of co-trustees.

27. Where co-trustees jointly commit a breach of trust, or where one of them by his neglect enables the other to commit a breach of trust, each is liable to the beneficiary for the whole of the loss occasioned by such breach.

Contribution as between co-trustees.

But as between the trustees themselves, if one be less guilty than another and has had to refund the loss, the former may compel the latter or his legal representative to make good such loss; and if all be equally guilty, any one or more of the trustees who has had to refund the loss may compel the others to contribute.

Nothing in this section shall be deemed to authorize a trustee who has been guilty of fraud to contribution.

Non-liability of trustee paying without notice of transfer by beneficiary.

28. When any beneficiary's interest becomes vested in another person, and the trustee, not having notice of the vesting, pays or delivers trust-property to the person who would have been entitled thereto in the absence of such vesting, the trustee is not liable for the property so paid or delivered.

Liability of trustee where beneficiary's interest is forfeited to Government.

29. When the beneficiary's interest is forfeited or awarded by legal adjudication to Government, the trustee is bound to hold the trust-property for the benefit of such person in such manner as the Government may direct in this behalf. New.

Indemnity of trustees.

30. Subject to the provisions of the instrument of trust and of sections twenty-three and twenty-six, trustees shall be respectively chargeable only for such moneys, stocks, funds and securities as they respectively actually receive, and shall not be answerable the one for the other of them, nor for any banker, broker or other person in whose hands Act XXVIII of 1866, s. [illegible] shortened. See sections 15 & 26 sup[illegible]

any trust-property may be placed, nor for the insufficiency or deficiency of any stocks, funds or securities, nor otherwise for involuntary losses.

CHAPTER IV.

OF THE RIGHTS AND POWERS OF TRUSTEES.

Right to title-deeds.

31. A trustee is entitled to have in his possession the instrument of trust and all the documents of title (if any) relating solely to the trust-property.

Right to reimbursement of expenses.

32. Every trustee may reimburse himself, or pay or discharge out of the trust-property, all expenses properly incurred in or about the execution of the trust, or the realization, preservation or benefit of the trust-property, or the protection or support of the beneficiary.

If he pays such expenses out of his own pocket, he has a first charge upon the trust-property for such expenses and interest thereon; but such charge (unless the expenses have been incurred with the sanction of a principal Civil Court of original jurisdiction) shall be enforced only by prohibiting any disposition of the trust-property without previous payment of such expenses and interest.

If the trust-property fail, the trustee is entitled to recover from the beneficiary personally on whose behalf he acted and at whose request, expressed or implied, he made the payment, the amount of such expenses.

Right to be recouped for erroneous overpayment.

Where a trustee has by mistake made an overpayment to the beneficiary, he may reimburse the trust-property out of the beneficiary's interest. If such interest fail, the trustee is entitled to recover from the beneficiary personally the amount of such over-payment.

Right to indemnity from gainer by breach of trust.

33. A person other than a trustee who has gained an advantage from a breach of trust must indemnify the trustee to the extent of the amount actually received by such person under the breach; and, where he is a beneficiary, the trustee has a charge on his interest for such amount.

Nothing in this section shall be deemed to entitle a trustee to be indemnified who has, in committing the breach of trust, been guilty of fraud.

Act XXVIII of 1866, s. 43.

Right to apply to Court for opinion in management of trust-property.

34. Any trustee may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for its opinion, advice or direction on any present questions respecting the management or administration of the trust-property other than questions of detail, difficulty or importance, not proper for summary disposal.

A copy of such petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

The trustee stating in good faith the facts in such petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee in the subject-matter of the application.

The costs of every application under this section shall be in the discretion of the Court to which it is made.

Right to settlement of accounts.

35. When the duties of a trustee, as such, are completed, he is entitled to have the accounts of his administration of the trust-property examined and settled, and where nothing is due to the beneficiary under the trust, to an acknowledgment in writing to that effect.

General authority of trustee.

36. In addition to the powers expressly conferred by this Act and by the instrument of trust, and subject to the restrictions, if any, contained in such instrument, and to the provisions of section seventeen, a trustee may do all acts which are reasonable and proper for the realization, protection or benefit of the trust-property, and for the protection or support of a beneficiary who is not competent to contract.

Every trustee in the actual possession or receipt of the rents and profits of land as defined in the Land Improvement Act, 1871, shall be deemed to be a landlord for the purposes of that Act. 27 & 28 Vic., c. 114.

Except with the permission of a principal Civil Court of original jurisdiction, no trustee shall lease trust-property for a term exceeding twenty-one years from the date of executing the lease, nor without reserving the best yearly rent that can be reasonably gotten.

Power to sell in lots, and either by public auction or private contract.

37. Where the trustee is empowered to sell any trust-property, he may sell the same either together or in lots, and either by public auction or private contract, and either at one time or at several times, unless the instrument of trust otherwise directs. Act XXVIII of 1866, s. 2, extended to moveables.

Power to sell under special conditions.

38. The trustee making any such sale may insert such stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale or contract for sale, as he thinks fit; and may also buy-in the property or any part thereof at any sale by auction, and rescind or vary any contract for sale, and re-sell the property so bought in, or as to which the contract is so rescinded, without being responsible to the beneficiary for any loss occasioned thereby. Act XXVIII of 1866, s. 3.

Power to buy-in and re-sell.

Time allowed for selling trust-property.

Where a trustee is directed to sell trust-property, or to invest trust-money in the purchase of property, he may exercise a reasonable discretion as to the time of effecting the sale or purchase.

Illustrations.

(*a*). A bequeathes property to B, directing him to sell it with all convenient speed and pay the proceeds to C. This does not render an immediate sale imperative.

(*b*). A bequeathes property to B, directing him to sell it at such time and in such manner as he shall think fit and invest the proceeds for the benefit of C. This does not authorize B, as between him and C, to postpone the sale to an indefinite period.

Power to convey.

39. For the purpose of completing any such sale, the trustee shall have power to convey or otherwise dispose of the property sold in such manner as may be necessary. Act XXVIII of 1866, s. 4.

Power to vary investments.

40. A trustee may, at his discretion, call in any trust-property invested in any security and invest the Act XXVIII of 1866, s. 32.

same on any of the securities mentioned in section twenty, and from time to time vary any such investments for others of the same nature:

Provided that, where there is a person competent to contract and entitled at the time to receive the income of the trust-property for his life, or for any greater estate, no such change of investment shall be made without his consent in writing.

Act XXVIII of 1866, s. 33.

Power to apply property of minors, &c., for their maintenance, &c.

41. Where any property is held by a trustee in trust for a minor, such trustee may, at his discretion, pay to the guardians (if any) of such minor, or otherwise apply for or towards his maintenance or education or advancement in life, or the reasonable expenses of his marriage or funeral, the whole or any part of the income to which he may be entitled in respect of such property; and such trustee shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in any of the securities mentioned in section twenty for the benefit of the person who shall ultimately become entitled to the property from which such accumulations have arisen: provided that such trustee may, at any time, if he thinks fit, apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Where the income of the trust-property is insufficient for the minor's maintenance or education or advancement in life, or the reasonable expenses of his marriage or funeral, the trustee may, with the permission of a principal Civil Court of original jurisdiction, but not otherwise, apply the whole or any part of such property for or towards such maintenance, education, advancement or expenses.

See Acts XL of 1858, XX of 1864, and XIII of 1874.

Nothing in this section shall be deemed to affect the provisions of any local law for the time being in force relating to the persons and property of minors.

Act XXVIII of 1866, s. 36 shortened.

Power to give receipts.

42. A trustee may give a receipt in writing for any money paid or property transferred to him by reason or in the exercise of any trust reposed in him, and, in the absence of fraud, such receipt shall discharge the person paying or transferring the same therefrom, and from seeing to the application thereof or being accountable for any loss or misapplication thereof.

Power to several trustees of whom one disclaims or dies.

43. When an authority to deal with the trust-property is given to several trustees and one of them disclaims or dies, the authority may be exercised by the continuing trustees, unless from the terms of the instrument of trust it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

Suspension of trustee's powers by decree.

44. Where a decree has been made in a suit for the execution of a trust, the trustee must not exercise any of his powers except in conformity with such decree or with the sanction of the Court by which the decree has been made or, where an appeal against the decree is pending, of the Appellate Court.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

Trustee cannot renounce after acceptance.

45. A trustee who has accepted the trust cannot afterwards renounce it except (*a*) with the permission of a principal Civil Court of original jurisdiction, or (*b*), if the beneficiary is competent to contract, with his consent, or (*c*) by virtue of a special power in the instrument of trust.

Trustee cannot delegate.

3 Calc. Rep.

46. A trustee cannot delegate his office or any of his duties either to a co-trustee or to a stranger, unless (*a*) the instrument of trust so provides, or (*b*) the delegation is in the regular course of business, or (*c*) the delegation is necessary, or (*d*) the beneficiary, being competent to contract, consents to the delegation.

Explanation.—The appointment of an attorney or proxy to do an act merely ministerial and involving no independent discretion is not a delegation within the meaning of this section.

Illustrations.

(*a*). A bequeathes certain property to B and C on certain trusts to be executed by them or the survivor of them or the assigns of such survivor. B dies. C may bequeath the trust-property to D and E upon the trusts of A's will.

(*b*). A is a trustee of certain property with power to sell the same. A may employ an auctioneer to effect the sale.

(*c*). A bequeathes to B fifty houses let at monthly rents in trust to collect the rents and pay them to C. B may employ a proper person to collect these rents.

Co-trustees cannot act singly.

47. When there are more trustees than one, all must join in the execution of the trust, except where the instrument of trust otherwise provides.

Control of discretionary power.

48. Where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by a principal Court of original civil jurisdiction.

Trustee may not charge for services.

6 Beng. 278.

49. In the absence of express directions to the contrary contained in the instrument of trust or of a contract to the contrary entered into with the beneficiary or the Court at the time of accepting the trust, a trustee has no right to remuneration for his trouble, skill and loss of time in executing the trust.

As to them, see Acts XVII of 1864, II of 1874, XX of 1858, and XX of 1864.

Nothing in this section applies to any Official Trustee, Administrator General, Public Curator, or person holding a certificate of administration.

Trustee may not use trust-property for his own profit.

50. A trustee may not use or deal with the trust-property for his own profit or for any other purpose unconnected with the trust.

Trustee for sale or his agent may not buy.

51. No trustee whose duty it is to sell trust-property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, buy the same or any interest therein, on his own account or as agent for a third person.

Trustee may not buy beneficiary's interest without permission.

52. No trustee, and no person who has recently ceased to be a trustee, may, without the permission of a principal Civil Court of original jurisdiction, buy or become mortgagee or lessee of the trust-property or any part thereof; and such permission shall not be given unless the purchase, mortgage or lease is manifestly for the advantage of the beneficiary.

Trustee for purchase.

And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for the beneficiary may buy it, or obtain a mortgage or lease of it, for himself.

Co-trustees may not lend to one of themselves.

53. A trustee or co-trustees whose duty it is to invest trust-money on mortgage or personal security must not invest it on a mortgage by, or on the personal security of, himself or one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

Lewin 576, 585:

Rights to rents and profits.

54. The beneficiary has a right to the rents and profits of the trust-property.

Act I of 1877, s. 12, cl. (*a*).

Right to specific execution.

55. The beneficiary is entitled to have the intention of the author of the trust specifically executed to the extent of the beneficiary's interest;

8 Beng. A. C. J. 499: 8 Beng. O. C. J. 92.

Right to transfer of possession.

and where there is only one beneficiary and he is competent to contract, or where there are several beneficiaries and they are competent to contract and all of one mind, he or they may require the trustee to transfer the possession of the trust-property to him or them, or to such person as he or they may direct: provided that, where the trust is to sell immoveable trust-property and the proceeds are to be divided amongst several persons, particular sharers cannot elect that their own respective undivided shares shall not be sold.

Nothing in the second clause of this section applies to property transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest.

Illustrations.

(*a*). Certain Government securities are given to trustees upon trust to accumulate the interest until A attains the age of 24, and then to transfer the gross amount to him. A on attaining majority may, as the person exclusively interested in the trust-property, require the trustees to transfer it immediately to him.

(*b*). A bequeathes Rs. 10,000 to trustees upon trust to purchase an annuity for B, who has attained his majority and is otherwise competent to contract. B may claim the Rs. 10,000.

(*c*). A transfers certain property to B and directs him to sell or invest it for the benefit of C, who is competent to contract. C may elect to take the property in its original character.

Right to inspect and take copies of instrument of trust, accounts, &c.

56. The beneficiary has a right as against the trustee and all persons claiming under him with notice of the trust to inspect and take copies of the instrument of trust, the documents of title relating solely to the trust-property, the accounts of the trust-property and the vouchers (if any) by which they are supported, and the cases submitted and opinions taken by the trustee for his guidance in the discharge of his duty.

Right to transfer beneficial interest.

57. The beneficiary, if competent to contract, may transfer his interest, but subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of such interest:

Provided that when property is transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest, nothing in this section shall authorize her to transfer such interest during her marriage.

Right to sue for execution of trust.

58. Where no trustees are appointed or all the trustees die, disclaim or are discharged, or where for any other reason the execution of a trust by the trustee is or becomes impracticable, the beneficiary may institute a suit for the execution of the trust, and the trust shall, so far as may be possible, be executed by the Court until the appointment of a trustee or new trustee.

Right to proper trustees.

59. The beneficiary has a right (subject to the provisions of the instrument of trust) that the trust-property shall be properly protected and held and administered by proper persons and by a proper number of such persons.

Explanation I.—The following are not proper persons within the meaning of this section:—

A person domiciled abroad: an alien enemy: a person having an interest inconsistent with that of the beneficiary: a person in insolvent circumstances; and, unless the personal law of the beneficiary allows otherwise, a married woman and a minor.

Explanation II.—When the administration of the trust involves the receipt and custody of money, the number of trustees should be two at least.

Illustrations.

(*a*). [illegible] several beneficiaries, proves that B, the trustee, has improperly disposed of part of the trust-property, or that the property is in danger from B's being in insolvent circumstances, or that he is incapacitated from acting as trustee. A may obtain a receiver of the trust-property.

(*b*). A bequeathes certain jewels to B in trust for C. B dies during A's lifetime; then A dies. C is entitled to have the property conveyed to a trustee for him.

(*c*). A conveys certain property to four trustees in trust for B. Three of the trustees die. B may institute a suit to have three new trustees appointed in the place of the deceased trustees.

(*d*). A conveys certain property to three trustees in trust for B. All the trustees disclaim. B may institute a suit to have three trustees appointed in place of the trustees so disclaiming.

(*e*). A, a trustee for B, refuses to act, or goes to reside permanently out of British India, or is declared an insolvent, or compounds with his creditors, or suffers a co-trustee to commit a breach of trust. B may institute a suit to have A removed and a new trustee appointed in his room.

Right to compel to any act of duty.

60. The beneficiary has a right that his trustee shall be compelled to perform any particular act of his duty as such, and restrained from committing any contemplated or probable breach of trust. Act I of 1877, s. 54.

Illustrations.

(*a*). A contracts with B to pay him monthly Rs. 100 for the benefit of C. B writes and signs a letter declaring that he will hold in trust for C the money so to be paid. A fails to pay the money in accordance with his contract. C may compel B on a proper indemnity to allow C to sue on the contract in B's name.

(*b*). A is trustee of certain land, with a power to sell the same and pay the proceeds to B and C equally. A is about to make an improvident sale of the land. B may sue on behalf of himself and C for an injunction to restrain A from making the sale. Act I of 1877, s. 54, ill. (*f*).

Wrongful purchase by trustee.

61. Where a trustee has wrongfully bought trust-property, the beneficiary has a right to have the property declared subject to the trust or retransferred by the trustee, if it remains in his hands unsold, or, if it has been bought from him by any person with notice of the trust, by such person. But in such case the beneficiary must repay the purchase-money paid by the trustee, with interest, and such other expenses (if any) as he has properly incurred in the preservation of the property; and the trustee or purchaser must (*a*) account for the net profits of the property, (*b*) be charged with an occupation-rent, if he has been in actual possession of the property, and (*c*) allow the beneficiary to deduct a proportionate part of the purchase-money if the property has been deteriorated by the acts or omissions of the trustee or purchaser.

Nothing in this section—

(*a*) impairs the rights of lessees and others who, before the institution of a suit to have the property declared subject to the trust or retransferred, have contracted in good faith with the trustee or purchaser; or

(*b*) entitles the beneficiary to have the property declared subject to the trust or retransferred where he, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, ratified the sale to the trustee with full knowledge of the facts of the case and of his rights as against the trustee.

6 Bomb. O. C. J. 59: I. L. R. 1 Bomb. 237.

Following trust-property—into the hands of third persons;

62. Where trust-property comes into the hands of a third person inconsistently with the trust, the beneficiary may require him to admit formally, or may institute a suit for a declaration, that the property is comprised in the trust.

into that into which it has been converted.

Where the trustee has disposed of trust-property and the money or other property which he has received therefor can be traced in his hands, or the hands of his legal representative or legatee, the beneficiary has, in respect thereof, rights as nearly as may be the same as his rights in respect of the original trust-property.

As to moveables, see Act IX of 1872, s. 108.

Exception I.—Nothing in this section entitles the beneficiary to any right in respect of property in the hands of—

5 W. R. 120: W. R., 1864, p. 225.

(*a*) a transferee in good faith for consideration without having notice of the trust, either when the purchase-money was paid, or when the conveyance was executed, or

(*b*) a transferee for consideration from such a transferee.

A judgment-creditor attaching trust-property is not a transferee for consideration within the meaning of this exception.

Exception II.—Nothing in this section applies to money, currency notes and negotiable instruments in the hands of a *bonâ fide* holder to whom they have passed in circulation, or shall be deemed to affect the Indian Contract Act, 1872, section 108, or the Transfer of Property Act, section 136.

Illustrations.

(*a*). A, a trustee for B of Rs. 10,000, wrongfully invests the Rs. 10,000 in the purchase of certain land. B is entitled to the land.

(*b*.) A, a trustee wrongfully purchases land, in his own name, partly with his own money, partly with money subject to a trust for B. B is entitled to a charge on the land for the amount of the trust-money so misemployed.

Acquisition by trustee of trust-property wrongfully converted.

63. Where a trustee wrongfully sells or otherwise transfers trust-property and afterwards himself becomes the owner of the property, the property again becomes subject to the trust, notwithstanding any want of notice on the part of intervening transferees in good faith for consideration.

Wrongful employment of trust-funds in trade.

64. Where a trustee wrongfully sells trust-property and employs the proceeds in trade or business, the beneficiary may, at his option, charge him either with the principal money and the actual profits arising from such employment or with the principal money and compound interest.

Right in case of blended property.

65. Where the trustee wrongfully mingles the trust-property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him. cf. Contract Act, s. 157.

Wrongful employment by partner-trustee of trust-property for partnership purposes.

66. If a partner, being a trustee, wrongfully employs trust-property in the business or on the account of the partnership, no other partner is liable therefor in his personal capacity to the beneficiaries, unless he had notice of the breach of trust.

The partners having such notice are jointly and severally liable for the breach of trust.

Illustrations.

(*a*). A and B are partners. A dies, having bequeathed all his property to B in trust for Z, and appointed B his sole executor. B, instead of winding-up the affairs of the partnership, retains all the assets in the business. Z may compel him, as partner, to account for so much of the profits as are derived from A's share of the capital. B is also answerable to Z for the improper employment of A's assets.

(*b*). A, a trader, bequeaths his property to B in trust for C, appoints B his sole executor, and dies. B enters into partnership with X and Y in the same trade, and employs A's assets in the partnership-business. B gives an indemnity to X and Y against the claims of C. Here X and Y are jointly liable with B to C as having knowingly become parties to the breach of trust committed by B.

Liability of beneficiary joining in breach of trust.

67. Where one of several beneficiaries—

(*a*) joins in committing breach of trust, or

(*b*) knowingly obtains any advantage therefrom, without the consent of the other beneficiaries, or

(*c*) becomes aware of a breach of trust committed or intended to be committed, and either actually conceals it, or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries, or

(*d*) has deceived the trustee and thereby induced him to commit a breach of trust,

the other beneficiaries are entitled to have all his beneficial interest impounded as against him and all who claim under him (otherwise than as transferees for consideration without notice of the breach) until the loss caused by the breach has been compensated.

Nothing in this section applies to property transferred or bequeathed for the benefit of a married woman, so that she shall not have power to deprive herself of her beneficial interest.

Rights and liabilities of beneficiary's transferee.

68. Every person to whom a beneficiary transfers his interest, has the rights, and is subject to the liabilities, of the beneficiary in respect of such interest at the date of the transfer.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

Office how vacated.

69. The office of a trustee is vacated by his death or by his discharge from his office.

2 Spence 920.

Discharge of trustee.

70. A trustee may be discharged from his office only as follows:—

(*a*) by the extinction of the trust;

(*b*) by the completion of his duties under the trust;

under express authority conferred by.

(*c*) by such means as may be prescribed by the instrument of trust;

(*d*) by appointment under this Act of a new trustee in his place;

(*e*) by consent of himself and the beneficiary, or, where there are more beneficiaries than one, all the beneficiaries being competent to contract, or

(*f*) by the Court to which a petition for his discharge is presented under this Act.

Petition to be discharged from trust.

71. Notwithstanding the provisions of section eleven, every trustee may apply by petition to a principal Civil Court of original jurisdiction to be discharged from his office; and, if the Court finds that there is sufficient reason for such discharge, it may discharge him accordingly, and direct his costs to be paid out of the trust-property. But where there is no such reason, the Court shall not discharge him, unless a proper person can be found to take his place.

Act XXVIII of 1866, s. 34. 23 & 24 Vic., c. 145, s. 27.

Appointment of new trustees on death, &c.

72. Whenever any person appointed a trustee disclaims, or any trustee dies, or is for a continuous period of six months absent from British India, or leaves British India for the purpose of residing abroad, or is declared an insolvent, or desires to be discharged from the trust, or refuses or becomes, in the opinion of a principal Civil Court of original jurisdiction, unfit or personally incapable to act in the trust, or accepts an inconsistent trust, a new trustee may be appointed in his place by—

(*a*) the person nominated for that purpose by the instrument of trust (if any), or

5 Beng. 184.

(*b*) if there be no such person, or no such person able and willing to act, the author of the trust if he be alive and competent to contract, or the surviving or continuing trustees or trustee for the time being, or legal representative of the last surviving and continuing trustee, or the retiring trustees, if they all retire simultaneously, or the last retiring trustee.

Every such appointment shall be by writing under the hand of the person making it.

The Official Trustee may, with his consent and by the order of the Court, be appointed under this section, in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

For the purposes of this section, any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee.

Appointment by Court.

73. Whenever any such vacancy or disqualification occurs and it is found impracticable to appoint a new trustee under section seventy-two, the beneficiary may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for the appointment of a trustee or a new trustee, and the Court may appoint a trustee or a new trustee accordingly.

Rule for selecting new trustees.

In appointing new trustees, the Court shall have regard (*a*) to the wishes of the author of the trust as expressed in or to be inferred from the instrument of trust; (*b*) to the wishes of the person, if any, empowered to appoint new trustees; (*c*) to the question whether the appointment will promote or impede the execution of the trust, and (*d*) where there are more beneficiaries than one, to the interests of all such benecifiaries.

Vesting of trust-property in new trustees.

74. Whenever any new trustee is appointed under section seventy-two or section seventy-three, all the trust-property for the time being vested in the surviving or continuing trustees or trustee, or in the legal representative of any trustee, shall become vested in such new trustee, either solely or jointly with the surviving or continuing trustees or trustee as the case may require.

Powers of new trustees.

Every new trustee, so appointed, and every trustee appointed by a Court either before or after the passing of this Act, shall have the same powers, authorities and discretions, and shall in all respects act, as if he had been originally nominated a trustee by the author of the trust.

Survival of trust.

75. On the death or discharge of one of several co-trustees, the trust survives, and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

Trust how extinguished.

76. A trust is extinguished—

(*a*) when its purpose is completely fulfilled; or

(*b*) when its purpose becomes unlawful; or

(*c*) when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise; or

(*d*) when the trust, being revocable, is expressly revoked.

Revocation of trust.

77. A trust constituted by will may be revoked at the pleasure of the testator.

A trust otherwise constituted can be revoked only—

(*a*) where all the beneficiaries are competent to contract—by their consent; or

Jijibhai v. Sonabhai, Bom. 189.

(*b*) where the trust has been declared by a non-testamentary instrument or by word of mouth—in exercise of a power of revocation expressly reserved to the author of the trust.

N.-W. P., 1870, p. 420.

Illustration.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation. If no communication has been

made to the creditors, A may revoke the trust. But if the creditors are parties to the arrangement, the trust cannot be revoked without their consent.

Revocation not to defeat what trustees have duly done.

78. No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

Where obligation in nature of trust is created.

79. An obligation in the nature of a trust is created in the following cases.

Where it does not appear that transferor intended to dispose of beneficial interest.

80. Where the owner of property transfers or bequeathes it and it cannot be inferred consistently with the attendant circumstances that he intended to dispose of the beneficial interest therein, the transferee or legatee must hold such property for the benefit of the owner or his legal representative.

Illustrations.

(*a*). A conveys land to B without consideration and declares no trust of any part. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the land. B holds the land for the benefit of A.

(*b*). A conveys to B two fields, Y and Z, and declares a trust of Y, but says nothing about Z. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in Z. B holds Z for the benefit of A.

(*c*). A transfers certain stock into the joint names of himself and B. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the stock during his life. A and B hold the stock for the benefit of A during his life.

(*d*). A makes a gift of certain land to his wife B. She takes the beneficial interest in the land free from any trust in favour of A, for it may be inferred from the circumstances that the gift was for B's benefit.

Transfer to one for consideration paid by another.

81. Where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person did not intend to pay or provide such consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration.

I. L. R. 2 Bom. 410.

Trust incapable of execution or executed without exhausting trust-property.

82. Where a trust is incapable of being executed, or where the trust is completely executed without exhausting the trust-property, the trustee, in the absence of a direction to the contrary, must hold the trust-property, or so much thereof as is unexhausted, for the benefit of the author of the trust or his legal representative.

Illustrations.

(*a*). A conveys certain land to B—

"upon trust," and no trust is declared, or

"upon trusts to be; thereafter declared," and no such declaration is ever made; or

upon trusts that are too vague to be executed; or

upon trusts that become incapable of taking effect.

In each of these cases B holds the land for the benefit of A.

(*b*). A transfers Rs. 10,000 in the four per cents. to B, in trust to pay the interest annually accruing due to C for her life. A dies. Then C dies. B holds the fund for the benefit of A's legal representative.

(*c*). A conveys land to B upon trust to sell it and apply one moiety of the proceeds for certain charitable purposes and the other for the maintenance of the worship of an idol. B sells the land, but the charitable purposes wholly fail, and the maintenance of the worship does not exhaust the second moiety of the proceeds. B holds the first moiety and the part unapplied of the second moiety for the benefit of A or his legal representative.

(*d*). A bequeathes Rs. 10,000 to B, to be laid out in buying land to be conveyed for purposes which either wholly or partially fail to take effect. B holds for the benefit of A's legal representative the undisposed of interest in the money or land if purchased.

Transfer for illegal purpose.

83. Where the owner of property transfers it to another for an illegal purpose and such purpose is not carried into exe ution, or the transferor is not as guilty as the transferee, or the effect of permitting the transferee to retain the property might be to defeat the provisions of any law, the transferee must hold the property for the benefit of the transferor.

Bequest for illegal purpose.

84. Where a testator bequeathes certain property upon trust and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's lifetime the legatee agrees with him to apply the property for an unlawful purpose, the legatee must hold the property for the benefit of the testator's legal representative.

Bequest of which revocation is prevented by coercion.

Where property is bequeathed and the revocation of the bequest is prevented by coercion, the legatee must hold the property for the benefit of the testator's legal representative.

Transfer pursuant to rescindible contract.

85. Where property is transferred in pursuance of a contract which is liable to rescission or induced by fraud or mistake, the transferee must, on receiving notice to that effect, hold the property for the benefit of the transferor, subject to repayment by the latter of the consideration actually paid. See Act I of 1877, s. 35.

Transfer in fraud of transferor's creditors.

86. Where the effect of a transfer of property is to defraud or delay the present or future creditors of the transferor or co-owners or other persons interested in such property, and the transfer is gratuitous or the transferee has notice of the intended fraud, the transferee must hold the property for their benefit to the extent necessary to satisfy their just demands. 4 Mad. 88; 6 Mad. 474; 2 Ind. Jur. O.S. 7; 13 Eliz. c. 5.

Debtor becoming creditor's representative.

87. Where a debtor becomes the executor or other legal representative of his creditor, he must hold the debt for the benefit of the persons interested therein.

Advantage gained by fiduciary.

88. Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character, gains for himself any pecuniary advantage, or where any person so bound enters into any dealings under circumstances in which his own interests are, or may be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of such other person the advantage so gained. Act I of 1877, s. 3, ills. (*b*), (*c*), (*e*), (*f*); L. R. 2 Ind. App. 18.

Illustrations.

(*a*). A, an executor, buys at an undervalue from B, a legatee, his claim under the will. B is ignorant of the value of the bequest. A must hold for the benefit of B the difference between the price and value.

(*b*). A, a trustee, uses the trust-property for the purpose of his own business. A holds for the benefit of his beneficiary the profits arising from such user.

(*c*). A, a trustee, retires from his trust in consideration of his successor paying him a sum of money. A holds such money for the benefit of his beneficiary.

(*d*). A, a partner, buys land in his own name with funds belonging to the partnership. A holds such land for the benefit of the partnership.

(*e*). A, a partner, employed on behalf of himself and his co-partners in negotiating the terms of a lease, clandestinely stipulates with the lessor for payment to himself of a lákh of rupees. A holds the lákh for the benefit of the partnership.

(*f*). A and B are partners. A dies. B, instead of winding up the affairs of the partnership, retains all the assets in the business. B must account to A's legal representative for the profits arising from A's share of the capital.

(*g*). A, an agent employed to obtain a lease for B, obtains the lease for himself. A holds the lease for the benefit of B.

(*h*). A, a guardian, buys up for himself incumbrances on his ward B's estate at an undervalue. A holds for the benefit of B the incumbrances so bought, and can only charge him with what he has actually paid.

Advantage gained by exercise of undue influence.

89. Where by the exercise of undue influence any advantage is gained in derogation of the interests of another, the person gaining such advantage without consideration or with notice that such influence has been exercised must hold the advantage for the benefit of the person whose interests have been so prejudiced.

Act I of 1877, s. 3, ill. (*d*). Cf. 5 Beng. 458, mortgagee buying equity of redemption.

Advantage gained by qualified owner.

90. Where a tenant for life, co-owner, mortgagee or other qualified owner of any property, by availing himself of his position as such, gains an advantage in derogation of the rights of the other persons interested in the property, or where any such owner, as representing all persons interested in such property, gains any advantage, he must hold, for the benefit of all persons so interested, the advantage so gained, but subject to repayment by such persons of their due share of the expenses properly incurred, and to an indemnity by the same persons against liabilities properly contracted, in gaining such advantage.

Illustrations.

(*a*). A, the tenant for life of leasehold property, renews the lease in his own name and for his own benefit. A holds the renewed lease for the benefit of all those interested in the old lease.

(*b*). A village belongs to a Hindú family. A, one of its members, pays nazráná to Government and thereby procures his name to be entered as the inámdár of the village. A holds the village for the benefit of himself and the other members.

(*c*). A mortgages land to B, who enters into possession. B allows the Government revenue to fall into arrear with a view to the land being put up for sale and his becoming himself the purchaser of it. The land is accordingly sold to B. Subject to the repayment of the amount due on the mortgage and of his expenses properly incurred as mortgage, B holds the land for the benefit of A. 10 Moo. I. A. 322; 14 Moo. I. A 305

Act I of 1877, s. 3, ills. (*g*), (*h*).

Property acquired with notice of existing contract.

91. Where a person acquires property with notice that another person has entered into an existing contract affecting that property, of which specific performance could be enforced, the former must hold the property for the benefit of the latter to the extent necessary to give effect to the contract.

Purchase by person contracting to buy property to be held on trust.

92. Where a person contracts to buy property to be held on trust for certain beneficiaries and buys the property accordingly, he must hold the property for their benefit to the extent necessary to give effect to the contract.

Advantage secretly gained by one of several compounding creditors.

93. Where creditors compound the debts due to them, and one of such creditors, by a secret arrangement with the debtor, gains an undue advantage over his co-creditors, he must hold for the benefit of such creditors the advantage so gained.

Constructive trusts in cases not expressly provided for.

94. In any case not coming within the scope of any of the preceding sections, where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof (as the case may be), to the extent necessary to satisfy their just demands.

Illustrations.

(*a*). A, an executor, distributes the assets of his testator B to the legatees without having paid the whole of B's debts. The legatees hold for the benefit of B's creditors to the extent necessary to satisfy their just demands, the assets so distributed.

(*b*). A by mistake assumes the character of a trustee for B, and under colour of the trust receives certain moneys. B may compel him to account for such moneys.

(*c*). A makes a gift of a lákh of rupees to B, reserving to himself, with B's assent, power to revoke at pleasure the gifts as to Rs. 10,000. The gift is void as to Rs. 10,000, and B holds that sum for the benefit of A.

Obligor's duties, liabilities and disabilities.

95. The person holding property in accordance with any of the preceding sections of this chapter must, so far as may be, perform the same duties, and is subject, so far as may be, to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it:

Provided that, (*a*) where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill and loss of time in such cultivation or employment; and (*b*) where he holds the property by virtue of a contract with the person for whose benefit he holds it, or with any one through whom such person claims, he may, without the permission of the Court, buy or become lessee or mortgagee of the property or any part thereof.

Saving of rights of *bonâ fide* purchasers.

96. Nothing contained in this chapter shall impair the rights of transferees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

THE SCHEDULE.

STATUTES.

Number and year.	Short title.	Extent of repeal.
13 Eliz. c. 5 ...	An Act against fraudulent deeds, gifts, alienations, &c.	The whole.
29 Car. II, c. 3 ...	The Statute of Frauds.	Sections 7, 8, 9, 10 and 11.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
XXVIII of 1866 ...	The Trustees and Mortgagees' Powers Act, 1866	Sections 2, 3, 4, 5, 32, 33, 34, 35, 36 and 37. In sections 39 and 43, the word "trustee" wherever it occurs; and in section 43 the words "management or" and "the trust-property or."
I of 1877 ...	The Specific Relief Act, 1877 ...	In section 12, the first illustration.

STATEMENT OF OBJECTS AND REASONS.

TRUSTS, in the strict sense in which that term is used by English lawyers, that is to say, confidences to the existence of which a 'legal' and an 'equitable' estate are necessary, are unknown to Hindú and Muhammadan law. But trusts in the wider sense of the word, that is to say, obligations annexed to the ownership of property which arise out of a confidence reposed in and accepted by the owner for the benefit of another, are constantly created by the natives of India and are frequently enforced by our Courts. "There is, probably," says Mr. Justice Phear (4 Ben. O. C. J. 134), "no country in the world where fiduciary relations exhibit themselves so extensively and in such varied forms as in India, and possession of dominion over property, coupled with the obligation to use it, either wholly or partially, for the benefit of others than the possessor, is, I imagine, familiar to every Hindú." So, too, in the case of Muhammadans, where a woman is entitled to a share of her deceased father's estate in the hands of her brother (W. R. 1864, p. 377), or to exigible dower in the hands of her husband (6 W. R. 111). Trusts created by an old man for his own maintenance and ulterior purposes, for a widow, for a daughter, step-daughter or daughter-in-law and her children, are of pretty frequent occurrence amongst the natives, whether Hindú or Muhammadan, and it is desirable to keep them free from the complication of double estates in which, without the intervention of the legislature, they are certain to become entangled. But apart from the native property-holder, there is the large body of domiciled Europeans and Eurasians who have for nearly a century enjoyed and taken advantage of a trust-law recognised by our Courts: the number and wealth of this class have increased, and in suits between members of this community every Court in the country may be called upon to administer a trust-law. Nevertheless, with the exception of certain provisions in the Penal Code, the Specific Relief Act, the Code of Civil Procedure and the Limitation Act, the Indian Statute-book is silent on the subject so far as regards the bulk of the population; for the Statute of Frauds, sections 7 to 11, is in force only in the Presidency-towns, and the rules contained in Acts XXVII and XXVIII of 1866 extend only to cases to which English law is applicable, and are, in themselves, incomplete.

The object of the present Bill is to codify the law relating to trusts in the wider sense above described: but it saves the rules of Muhammadan law as to *wakf*, and the mutual relations of the members of an undivided family. And it leaves untouched religious and charitable endowments established by Hindús and Buddhists, as being matters in which the legislature cannot at present usefully interfere further or otherwise than has been done by Act XX of 1863.

With the few exceptions mentioned in this Statement, the rules contained in the Bill are substantially those now administered by English Courts of Equity and (under the name of 'justice, equity and good conscience') by the Courts of British India.

The Bill distributes the subject under the following heads: I, Preliminary: II, the creation of trusts: III, the duties and liabilities of trustees: IV, their rights and powers: V, their disabilities: VI, the rights and liabilities of the beneficiary: VII, vacating the office of trustee: VIII, the extinction of trusts; and IX, certain obligations of the nature of trusts.

The preliminary chapter, in order to prevent the introduction of conceptions resembling the English legal estate and equitable ownership, defines the interest of the beneficiary as *his right against the trustee* as owner of the property. The beneficiary has, under the Bill, no estate or interest in the subject-matter of the trust. The Bill also defines 'breach of trust' as a breach of any duty imposed on a trustee, as such, by any law for the time being in force, and declares that a person has 'notice' of a fact when he actually knows that fact, or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information is given to, or obtained by, his agent under the circumstances mentioned in the Contract Act, section 229.

The second chapter deals with the creation of trusts. It declares that a trust may be created for any 'lawful purpose,' and, as there is a general analogy between a trust and a contract, the Bill defines such purpose to be lawful in the cases in which the Indian Contract Act, section 23, declares the object of an agreement to be lawful. An explanation shews that, where the trust-property is land situate in a foreign country, the trust, to be valid, must not create an estate not recognized by the law of that country.

The expediency of excluding oral declarations of trust has long been felt in the case of land, and the Bill (section 5) lays down, in general accordance with the seventh section of the Statute of Frauds, that no trust in relation to *immoveable* property is valid, unless declared (*a*) by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or (*b*) by the will of the author of the trust, or of the trustee, and that no trust in relation to *moveable* property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee. Theoretically, this will modify the Hindú law, which in no transaction absolutely requires a writing (2 Mad. H. C. Rep. 39); but trusts by merely verbal declarations are as rarely met with as mortgages by merely verbal agreements: the proposed change will therefore in practice make no alteration in that law. The rule will not apply where it would operate so as to effectuate a fraud, as, for example, where a father having power to bequeath certain land is induced not to make a will of that land by the promise of his heir-presumptive that he will provide thereout for his relatives.

Section 8 declares that the subject-matter of a trust must be property transferable to the beneficiary, and that it must not be a merely beneficial interest under a subsisting trust. The object of the latter provision is to preclude the complications that would arise from allowing a trust upon a trust.

Section 9 declares that every person capable of holding property may be a beneficiary. As, under Act I of 1868, 'person' includes a corporation, the Bill here varies from English law. But the variation is intentional, as it has been more than once ruled that the Mortmain Statutes are not in force in India.

Chapter III deals with a trustee's duties and liabilities. None of the rules here contained call for remark except sections 20 and 23. Section 20 gives a list of the securities on which alone a trustee may invest trust-funds. The necessity for some such provision has been indicated by the High Court of Bombay in *DeSouza* v. *DeSouza*, 12 Bom. 184. Investments on mortgages of leaseholds for years are forbidden, unless, of course, such securities are expressly authorized by the instrument of trust. In England, no doubt, trustees authorized to lend on a mortgage of realty may invest on a long term of years at a peppercorn rent. But in this country such terms are practically unknown. Section 20 also allows a trustee to deposit a trust-fund not exceeding Rs. 1,000 in a Government Savings Bank, and to invest on mortgage of land already pledged as security for an advance under the Land Improvement Act, 1871. A power like the latter is conferred in England by 27 & 28 Vic., cap. 114, section 161. Section 23 declares the measure of the trustee's liability in case of a breach of trust, and embodies, as illustrations, the rules on which Courts of Equity act where trust-property improperly left outstanding is lost, or where a trustee retains money which should be invested, or neglects a direction to invest, or to accumulate, or improperly sells trust-securities, or is guilty of unreasonable delay in investing trust-funds or in paying them to the beneficiary.

Chapter IV treats of the rights and powers of trustees. It embodies the substance of Act XXVIII of 1866, sections 2, 3, 5, 32, 33, 36, 37, 39 and 43. Section 34 of the Bill empowers trustees to apply, not only to High Court Judges, but to District Judges, for advice on simple questions respecting the management and administration of the trust-property. Under section 36, which deals with the general authority of a trustee, trustees will be able (unless restrained from doing so by the instrument of trust) to grant reasonable agricultural leases, thin timber and otherwise act for the benefit of the trust. Except with the permission of the Court, no trustee will be able to lease trust-property for a term exceeding 21 years.

Chapter V deals with disabilities of the trustees. The only section here calling for remark is 52, which declares that no trustee, and no person who has recently ceased to be a trustee, may, without the permission of the Court, buy the interest of the beneficiary in the trust-property, and that such permission shall not be given unless the purchase is manifestly for the benefit of the latter. The Bill here deviates from the present law, according to which a trustee is allowed to buy trust-property from his beneficiary if the latter is *sui juris* and the former can shew that the relation of trustee and beneficiary was, at the time of the purchase, virtually dissolved, and that the fullest information and every advantage were given to the beneficiary. Such a rule seems too vague for insertion in a Code intended to be worked, for the most part, by unprofessional Judges; it has, moreover, been disapproved in *Morse* v. *Royal*, 12 Ves. 372.

In the next chapter—of the rights and liabilities of the beneficiary—the only sections requiring special notice are sections 58 and 62. The former provides for the execution of trusts by the Court, and makes no distinction between the cases where the declaration of trust is complete and those where the trust is executory, *i.e.*, where the declaration of trust is intended to be perfected at some future period.

The latter section declares that all persons taking immoveable trust-property inconsistently with the trust hold it subject to the trust, except (*a*) purchasers in good faith for consideration without notice of the trust, and (*b*) purchasers for consideration from such purchasers. This agrees with the English rule which, to prevent stagnation of property, exempts from the trust a purchaser with notice from an innocent purchaser without notice, who has got the legal estate.

Chapter VII treats of vacating the office of trustee, and, incidentally, deals with the appointment of new trustees, and declares that, on the death or discharge of one of several co-trustees, the trust survives and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

Chapter VIII treats of the extinction of trusts and, incidentally, of their revocation.

Where no trust is declared, but for the purposes of justice the law deems one to have been created, the trust is by English lawyers termed constructive. *Benámi* transactions, where property is transferred to A for a consideration paid by B, and B makes the payment for his own benefit, have for centuries been familiar to the people of India: gains made by one person at the cost of another are an everyday source of litigation; and in no country, owing to the extreme sub-division of immoveable property and the partition of inheritances, are constructive trusts more common.[a] Chapter IX avoids the fiction implied in the term 'constructive trusts' by treating such confidences as obligations in the nature of trusts properly so called. It specifies the fourteen principal cases in which such an obligation arises, as follows:—

1. Where it does not appear that the transferor of property intended to dispose of the beneficial interest (section 80):
2. Where property is transferred to one person for a consideration paid by another (section 81):

[a] As to these trusts, Mr. Coghlan, a District Judge in the Bombay Presidency, writes as follows:—"Cases of constructive trusts are continually arising in all civil Courts [in the Mufassal], and are treated on the general principle of equity as fixed by case-made law."

3. Where the trust is incapable of execution or is executed without exhausting the property (section 82):
4. Where a transfer of property is made for an illegal purpose (section 83):
5. Where a bequest is made for an illegal purpose, or where the revocation of a bequest is forcibly prevented (section 84):
6. Where a transfer is made in pursuance of a rescindible contract (section 85):
7. Where a transfer is made in fraud of the transferor's creditors (section 86):
8. Where a debtor becomes his creditor's legal representative (section 87):
9. Where a pecuniary advantage is gained by a person in a fiduciary character (section 88):
10. Where an advantage is gained by the exercise of undue influence (section 89):
11. Where an advantage is gained by a tenant for life or other qualified owner in derogation of the rights of other persons interested in the property (section 90):
12. Where property is acquired with notice of an existing contract affecting it (section 91):
13. Where a person contracts to buy property to be held on trust (section 92):
14. Where one of several compounding creditors, by a secret arrangement with the debtor, gains an advantage over his co-creditors (section 93).

The Bill also contains a general clause (sec. 94) providing for cases not so specified. It is believed that this clause will cover that form of constructive trust which the Panjáb Courts have held to arise when a co-sharer in a village community absents himself without expressly abandoning his rights.

The Bill declares that, in the case of all obligations in the nature of a trust, the obligor shall be subject to the liabilities and (with the two exceptions mentioned in section 95) to the disabilities of an ordinary trustee.

Three only of the obligations above specified seem to require further notice. The Bill, it will be seen, does not attempt to suppress the inveterate practice of entering into *benámi* transactions, and it must be admitted that in many, perhaps most, of these transactions the parties are actuated by religious or prudential, rather than fraudulent, motives. Section 81, accordingly, declares that, where property is transferred to one person for a consideration paid by another, and it appears that the latter did not intend to pay the consideration for the benefit of the former, the transferee must hold the property for the benefit of the person paying. Resulting trusts, *i.e.*, those that arise where an interest is given for purposes to which the trust is not commensurate (as, for instance, to pay debts which are satisfied, or an annuity which expires), are treated (section 82) as constructive, for here there is no declaration of trust as to the portion of the trust-property which is not required for the purpose declared. Section 86 corresponds with 13 Eliz., c. 5, as to settlements intended to defraud creditors. That Statute is in force in the Presidency-towns, and its principle has been held by the Madras High Court (4 Mad. 88) to apply to Natives in the mufassal.

Where a person gives property to charitable purposes, and either specifies no objects or such as do not exhaust the proceeds, the law, as it stands, does not suffer the property or its surplus to result to the donor or his legal representative; but the Court takes upon itself to execute the donor's intention by declaring the particular purposes to which the fund shall be applied. A similar exception is made when the purposes of the gift at the time exhaust the whole proceeds, but in consequence of an increase in the value of the property an excess of income subsequently arises. The Bill ignores these exceptions, which were introduced when the law of resulting trusts was imperfectly understood, and which unfairly disregard the interest of the legal representative.

Lastly, it may be remarked that the Bill contains no provisions as to the presumption against trustees that advantages gained by them from their beneficiaries are gained by undue influence, or as to the escheat of a beneficiary's interest. The former matter is sufficiently provided for by the Evidence Act, I of 1872, section 111, the latter, by the Succession Act, X of 1865, and the general law as to *bona vacantia*.

The Bill is now published as settled by the Indian Law Commission[1] and in accordance with the Legislative despatch of the Secretary of State, No. 37, dated 7th October, 1880.

SIMLA;
6th November, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

[1] The short title and commencement of the proposed Act have been altered: sections 54 and 55 (which overlapped) have been amended; and in the first Explanation to section 59, the word "allows" has been substituted for provides."

[Second publication.]

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 22nd of the Rules for the conduct of the Legislative business of the Council of the Governor General:—

THE INDIAN EASEMENTS BILL, 1880.

CONTENTS.

PREAMBLE.

PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.
Commencement.
2. Savings.
3. Repeal of Act XV of 1877, sections 26 and 27.

CHAPTER I.—OF EASEMENTS GENERALLY.

4. "Easement" defined.
Dominant and servient heritages and owners.
5. Affirmative easements.
Negative easements.
6. Continuous and discontinuous, apparent and non-apparent, easements.
7. Easement for limited time or on condition.
8. Easements restrictive of certain rights.
(a) Exclusive right to enjoy.
(b) Rights to advantages arising from situation.

CHAPTER II.—THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

9. Who may impose easements.
10. Servient owners.
11. Lessor and mortgagor.
Lessee.
12. Who may acquire easements.
13. Easements of necessity and *quasi*-easements.
14. Direction of way of necessity.
15. Acquisition by prescription.
16. Exclusion in favour of reversioner of servient heritage.
17. Rights which cannot be acquired by prescription.
18. Customary easements.
19. Transfer of dominant heritage passes easement.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

20. Rules controlled by contract or title.
Incidents of customary easements.
21. Bar to use unconnected with enjoyment.

SECTIONS.

22. Exercise of easement.
Confinement of exercise of easement.
23. Right to alter mode of enjoyment.
24. Right to do acts to secure enjoyment.
Accessory rights.
25. Liability for expenses necessary for preservation of easement.
26. Liability for damage from want of repair.
27. Servient owner not bound to do anything.
28. Extent of easements.
Easement of necessity.
Other easements—
(a) right of way;
(b) right to light or air acquired by grant;
(c) prescriptive right to light orair;
(d) prescriptive right to pollute air and water.
(e) other prescriptive rights.
29. Increase of easement.
30. Partition of dominant heritage.
31. Obstruction in case of excessive user.

CHAPTER IV.—THE DISTURBANCE OF EASEMENTS.

32. Right to enjoyment without disturbance.
33. Suit for disturbance of easement.
34. When cause of action arises for removal of support.
35. Polluting air and water previously impure.
36. Suit for continuing disturbance.
37. Injunction to restrain disturbance.
38. Abatement of obstruction of easement.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

39. Extinction by dissolution of right of servient owner.
40. Extinction by release.
41. Extinction by revocation.
42. Extinction on expiration of limited period or happening of dissolving condition.
43. Extinction on termination of necessity.
44. Extinction of useless easement.
45. (a) Extinction by substantial change of dominant heritage.
(b) Extinction by material and permanent increase of burden.
46. Extinction on permanent alteration of servient heritage by superior force.
47 Extinction by destruction of either heritage.
48. Extinction by unity of ownership.
49. Extinction by non-user.
50. Extinction of accessory rights.
51. Suspension of easement.
52. Servient owner not entitled to require continuance.
Compensation for damage caused by extinguishment.
53. Revival of easements.

CHAPTER VI.—LICENSES.

54. "License" defined.
55. Who may grant license.
56. Grant may be express or implied.
57. Accessory licenses annexed by law.
58. License when transferable.
59. Grantor's duty to disclose defects.

60. Grantor's duty not to render property unsafe.
61. Grantor's transferee not bound by license.
62. License when revocable.
63. Revocation express or implied.
64. License when deemed revoked.
65. Licensee's rights on revocation.
66. Licensee's rights on eviction.

A Bill to define and amend the law relating to Easements and Licenses.

WHEREAS it is expedient to define and amend the law relating to Easements and Licenses; It is hereby enacted as follows:—

Preamble.

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Easements Act, 1882":

Local extent.

It extends to the whole of British India except the Scheduled Districts;

Commencement.

and it shall come into force on the first day of March, 1882.

Savings.

2. Nothing herein contained shall be deemed to affect—

(*a*) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation;

(*b*) any customary or other right (not being a license) in or over immoveable property which the Government, the public or any person may possess irrespective of other immoveable property;

(*c*) any right acquired, or arising out of a relation created, before this Act comes into force; or

(*d*) any law not hereby expressly repealed.

Repeal of Act XV of 1877, sections 26 and 27.

3. Sections 26 and 27 of the Indian Limitation Act, 1877, and the definition of 'easement' contained in that Act, are hereby repealed. All references to the said sections, or to sections 27 and 28 of Act No. IX of 1871, shall be read as made to sections fifteen and sixteen of this Act.

CHAPTER I.—OF EASEMENTS GENERALLY.

"Easement" defined.

4. An easement is a right which the owner or occupier of certain land possesses as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own.

Dominant and servient heritages and owners.

The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner: the land on which the liability is imposed is called the servient heritage, and the owner thereof the servient owner.

Explanation.—In the first and second clauses of this section, the expression 'land' includes also things permanently attached to the earth: the expression 'beneficial enjoyment' includes also possible convenience, remote advantage, and even a mere amenity; and the expression 'to do something' includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage, of any part of the soil of the servient heritage or anything growing or subsisting thereon.

Illustrations.

(*a*) A, as the owner of a certain house, has a right of way thither over his neighbour B's land for purposes connected with the beneficial enjoyment of the house. This is an easement.

(*b*) A, as the owner of a certain house, has the right to go on his neighbour B's land, and to take water for the purposes of his household out of a spring therein. This is an easement.

(*c*) A, as the owner of a certain house, has the right to conduct water from B's stream to supply the fountains in the garden attached to the house. This is an easement.

(*d*) A, as the owner of a certain house and farm, has the right to graze a certain number of his own cattle on B's field, or to take, for the purpose of being used in the house, by himself, his family, guests, lodgers and servants water or fish out of C's tank, or timber out of D's wood, or to use, for the purpose of manuring his land, the leaves which have fallen from the trees on E's land. These are easements.

(*e*) A dedicates to the public the right to occupy the surface of certain land for the purpose of passing and repassing. This right is not an easement.

(*f*) A is bound to cleanse a watercourse running through his land and keep it free from obstruction for the benefit of B, a lower riparian owner. This is not an easement.

Affirmative easements. Negative easements.

5. Easements are either affirmative or negative. An affirmative easement is one authorizing the dominant owner to do in, upon, or in respect of, the servient heritage something for the beneficial enjoyment of the dominant heritage. A negative easement is one binding the servient owner to refrain, for the beneficial enjoyment of the dominant heritage, from doing something in, upon, or in respect of, the servient heritage.

Illustrations.

The following are affirmative easements:—

(*a*) A right of way annexed to A's house over B's land.

(*b*) An easement annexed to A's land to conduct water across B's land by an artificial watercourse.

(*c*) An easement annexed to A's house to discharge water by a spout or conduit, or projecting eaves, on B's land.

(*d*) An easement annexed to A's farm to go to his neighbour B's tank to water A's cattle, or to B's well to draw water for use of A's household.

(*e*) An easement annexed to A's land to throw back, upon the lands of riparian owners higher up a natural stream, water which, unless so thrown back, would pass from such lands.

(*f*) An easement annexed to A's land to discharge the water of a natural stream upon B's land lying lower down the stream, either polluted or, with the force of its natural current, increased or diminished.

(*g*) An easement annexed to A's dock to place the vessels therein so that their bowsprits project over B's wharf.

(*h*) An easement annexed to A's house to burn corpses on B's land.

(*i*) An easement annexed to A's land to thresh grain on B's field.

The following are negative easements:—

(*j*) An easement annexed to B's house to receive light and air by its windows without obstruction by his neighbour A. This binds A to refrain, for the beneficial enjoyment of B's house, from exercising his right to build on his own land.

(*k*) An easement annexed to A's land encumbered by buildings, to receive the support of his neighbour B's soil. This binds B to refrain, for the beneficial enjoyment of A's land, from exercising his right to excavate his own soil.

(*l*) An easement annexed to A's house to insert beams in, or to place beams on, his neighbour B's wall. This binds B to refrain, for the beneficial enjoyment of A's house, from exercising his right to pull down his own wall.

N.-W. P. (1867), p. 191.

(*m*) An easement annexed to A's house to discharge the rain running from its roof upon his neighbour B's land. This binds B to refrain, for the beneficial enjoyment of A's house, from exercising his right to build on his own land so as to prevent the discharge.

(*n*) A customary easement annexed to B's house to restrain his neighbour A from opening doors or windows in such a position as to command a view into B's housetop or courtyard. This binds A to refrain, for the beneficial enjoyment of B's house, from exercising his right to make openings in his own walls of such a character as to interfere with B's privacy.

Continuous and discontinuous, apparent and non-apparent, easements.

6. Easements are either continuous or discontinuous, apparent or non-apparent.

A continuous easement is one whose exercise is, or may be, continual without the act of man.

A discontinuous easement is one that needs the act of man for its exercise.

Pyer v. Carter, 1 H. & N. 922.

An apparent easement is one that has some permanent sign of its existence, which, upon careful inspection by a competent person, would be visible to him.

A non-apparent easement is one that has no such sign.

Illustrations.

(*a*) A right annexed to B's house to receive light by the windows without obstruction by his neighbour A. This is a continuous easement.

(*b*) A right of way annexed to A's house over B's land. This is a discontinuous easement.

(*c*) Rights annexed to A's land to lead water thither across B's land by an aqueduct and to draw off water thence by a drain. The drain would be discovered upon careful inspection by a person conversant with such matters. These are apparent easements.

(*d*) A right annexed to A's house to prevent B from building on his own land. This is a non-apparent easement.

Easement for limited time or on condition.

7. An easement may be permanent, or for a term of years or other limited period, or subject to periodical interruption, or exercisable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

Easements restrictive of certain rights.

8. Easements are restrictions of one or other of the following rights (namely):—

Exclusive right to enjoy.

(*a*) the exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same and all products thereof and accessions thereto:

Rights to advantages arising from situation.

(*b*) the right of every owner of immoveable property (subject to any law for the time being in force) to enjoy without disturbance by another the natural advantages arising from its situation.

Illustrations.

(*a*) The exclusive right of every owner of land in a town to build thereon, subject to any municipal law for the time being in force. N.-W. P. (1870), pp. 169, 182.

(*b*) The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(*c*) The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person. Recognized by the High Court, N.-W. P., No. 1143 of 1878, 28th November, 1878, *Mahadeo Misser v. Phaikoo Singh.*

(*d*) The right of every owner of land to so much light and air as pass vertically thereto.

(*e*) The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure; and the "subjacent and adjacent soil" mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition. *Mayor of Birmingham v. Allen*, 46. L. J. Ch.

(*f*) The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through his land, shall not, before so passing or percolating, be unreasonably polluted by other persons.

(*g*) The right of every owner of land to collect, and dispose, within his own limits, of, all water under the land and all water on its surface which does not pass in a defined channel. Marshall 506.

(*h*) The right of every owner of land that the water of every natural stream which passes by, through or over his land in a defined natural channel shall be allowed by other persons to flow within such owner's limits without interruption and without material alteration in quantity, direction, force or temperature: the right of every owner of land abutting on a natural lake or pond, into, or out of, which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature. L. R. 6 Ind. App. 33: 3 W. R. 218: 13 W. R. 48: 8 W. R. 525.

(*i*) The right of every owner of upper land that water naturally rising in, or falling on, such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto. 20 W. R. 287.

(*j*) The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners. 11 W. R. 254.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

CHAPTER II.—THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

Who may impose easements.

9. An easement may be imposed by any one in the circumstances and to the extent in and to which he may transfer his interest in the servient heritage.

Illustrations.

(*a*) A is tenant of B's land under a lease for an unexpired term of twenty years, and has power to transfer his interest under the lease. A may impose an easement on the land to continue during the time that the lease exists or for any shorter period.

(*b*) A is tenant for his life of certain land with remainder to B absolutely. A cannot, unless with B's consent, impose an easement thereon which will continue after the determination of his life-interest.

(*c*) A, B and C are co-owners of certain land. A cannot without the consent of B and C impose an easement on the land or on any part thereof.

(*d*) A and B are lessees of the same lessor, A of a field X for term of five years, and B of a field Y for a term of ten

years. A's interest under his lease is transferable; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

(*e*) A is the trustee of certain land for the benefit of B. A cannot, without the consent of B, impose an easement on the trust property.

Servient owners.

10. Subject to the provisions of section nine, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(*a*) A has, in respect of his mill, a right to the uninterrupted flow thereto, from sunrise to noon, of the water of B's stream. B may grant to C the right to divert the water of the stream from noon to sunset: provided that A's supply is not thereby diminished.

(*b*) A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to feed his cattle on the grass growing on the way: provided that A's right of way is not thereby obstructed.

Lessor and mortgagor.

11. Subject to the provisions of section nine, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee as such, and a mortgagor may impose, on the property mortgaged, any easement that does not render the security insufficient within the meaning of the Transfer of Property Act, section 65. But a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

Lessee.

No lessee or other person, having a derivative interest, may impose on the property held by him as such an easement to take effect after the expiration of his own interest or in derogation of the right of the lessor or the superior proprietor.

Who may acquire easements.

12. An easement may be acquired by the owner of the dominant heritage, or, on his behalf, by any person in possession of the same.

One of two or more co-owners may, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of the heritage held in co-ownership.

7 Mad. 64.

No lessee of immoveable property can acquire for the beneficial enjoyment of other immoveable property of his own an easement in or over the property comprised in his lease.

Easements of necessity and *quasi*-easements.

13. Where one person transfers or bequeathes immoveable property to another,—

Mayor of London v. *Riggs*, 49 L. J. Chan. Div. 297.

(*a*) if an easement in other immoveable property of the transferor or testator is absolutely necessary for enjoying the subject of the transfer or bequest, as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall be entitled to such easement; or

Morgan v. *Kirby*, I. L. R. 2 Mad. 46.

(*b*) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement;

(*c*) if an easement in the subject of the transfer or bequest is absolutely necessary for enjoying other immoveable property of the transferor or testator, as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall be entitled to such easement; or

(*d*) if such an easement is apparent and continuous and necessary for enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,— 8 Bom. 181.

(*e*) if an easement over the share of one of them is absolutely necessary for enjoying the share of another of them as it was enjoyed when the partition took effect, the latter shall be entitled to such easement, or

(*f*) if such an easement is apparent and continuous and necessary for enjoying the share of the latter as it was enjoyed when the partition took effect, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

The easements mentioned in this section, clauses (*a*), (*c*) and (*e*), are called easements of necessity.

Where immoveable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(*a*) A sells B a field then used for agricultural purposes only. It is inaccessible except by passing over A's adjoining land, or by trespassing on the land of a stranger. B is entitled to a right of way, for agricultural purposes only, over A's adjoining land to the field sold.

(*b*) A, the owner of two fields, sells one to B, and retains the other. The field retained was at the date of the sale used for agricultural purposes only and is inaccessible except by passing over the field sold to B. A is entitled to a right of way, for agricultural purposes only, over B's field to the field retained.

(*c*) A grants B the minerals under a certain field belonging to A. B is entitled, if there is no other way by which he can lawfully gain the minerals, to dig through the surface of the field and to carry the minerals over it.

(*d*) A sells B a house, with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(*e*) A sells B a house, with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hand.

(*f*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale was made. Here A impliedly grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such light.

(*g*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A, retaining the house, sells the land to B, without expressly reserving any easement. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such light.

(*h*) A sells B a factory. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(*i*) A, the owner of two adjoining houses, Y and Z, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale was made, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale was made.

(*j*) A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(*k*) A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(*l*) A grants land to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

(*m*) Under the Land Acquisition Act, 1870, the officer of a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(*n*) Owing to the partition of joint property, A becomes the owner of an upper room in a building and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such amount of vertical support from B's portion as is essential for the safety of the upper room.

(*o*) A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

(*p*) A lets land to B, but excepts all the trees of a certain age growing on the land. A and the intending purchasers of the trees are entitled to a right of way over the land for the purpose of examining the trees. A is also entitled to a right of way over the land for the purpose of felling and removing the trees when they have attained the specified age.

Bolton v. *Bolton*, 11 Chan. Div. 968.

Direction of way of necessity.

14. When a right to a way of necessity is created under section thirteen, the transferor, the legal representative of the testator, or the owner of the share in which the right exists, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

Act XV of 1877, *s.* 26.

Acquisition by prescription.

15. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

Angus v. *Dalton*.

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative), has been peaceably and openly enjoyed by any person claiming title thereto, as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support, way, watercourse, use of water or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested. N. W. P. (1875), p. 295.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section, unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made. I. L. R. 1 Calc. 430.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement of support, where the soil of the dominant heritage is subjected to artificial pressure not externally apparent, or where the outward thrust of things affixed thereto is enhanced by causes not externally apparent, the said period of twenty years begins when the circumstance by which the burden on the servient heritage is increased becomes known to the servient owner. *Angus* v. *Dalton*, I. R. 3 Q.B., 85.

Explanation V.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

Illustrations.

(*a*) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from first January, 1862, to first January, 1882. The plaintiff is entitled to judgment.

(*b*) In a like suit also brought in 1883, the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1860 to 1880. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed 'as an easement' for twenty years.

(*d*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed 'as of right' for twenty years.

Exclusion in favour of reversioner of servient heritage.

16. Provided that, when any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of Act XV of 1877, *s.* 27.

such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Rights which cannot be acquired by prescription.

17. Easements acquired under section fifteen are said to be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired:—

(*a*) a right which would tend to the total destruction of the servient heritage or the subject of the right;

(*b*) a right which would be inconsistent with, and not subordinate to, an actual and existing grant made by the servient owners;

(*c*) a right to the free passage of light or air to an open space of ground;

Potts v. Smith, L. R. 6 Eq. Ca. 311.

(*d*) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(*e*) a right to underground water not passing in a defined channel.

Explanation.—In this section the expression 'servient owner' means the person who, in case the acquisition referred to were made, would be the owner of the property on which liability would be imposed; and the expression 'servient heritage' means such property.

Customary easements.

18. An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

Illustrations.

(*a*) By the custom of a certain village every cultivator of village land is entitled, as such, to graze his cattle on the common pasture. A, having bought a plot of uncultivated land in the village, breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(*b*) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

Transfer of dominant heritage passes easement.

19. Where the dominant heritage is transferred or devolves, by act of parties or by operation of law, the transfer or devolution shall, unless a contrary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

Rules controlled by contract or title.

20. The rules contained in this chapter are controlled by any contract between the dominant and servient owners relating to the subject-matter, and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

Incidents of customary easements.

And when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall affect such incident.

Bar to use unconnected with enjoyment.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Illustrations.

(*a*) A, as owner of a farm Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(*b*) A, as owner of a certain house, has a right of way to and from it. For the purpose of the passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers; for this is a purpose connected with the enjoyment of the dominant heritage. So, if A lets the house, he may use the right of way for purpose of collecting the rent and seeing that the house is kept in repair.

Exercise of easement.

22. The dominant owner must exercise his right in the mode which is least onerous to the servient owner;

Confinement of exercise of easement.

and when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined.

Illustrations.

(*a*) A has a right of way over B's field. A must enter the way at either end, and not at any intermediate point.

(*b*) A has a right annexed to his house to cut thatching-grass in B's swamp. A, when exercising his easement, must cut the grass so that the plants may not be destroyed.

Right to alter mode of enjoyment.

23. Subject to the provisions of section twenty-two, the dominant owner may, from time to time, alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure even though he does not thereby impose any additional burden on the servient heritage.

Panjáb Record, 1867, p. 156.

Illustrations.

(*a*) A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn-mill, provided that it can be worked by the same amount of water.

(*b*) A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves, if, by so doing, he imposes a greater burden on B's land.

(*c*) A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(*d*) A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

Right to do acts to secure enjoyment.

24. The dominant owner is entitled, as against the servient owner, to do all acts necessary to secure the full enjoyment of the easement; but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair, as far as practicable, the damage (if any) caused by the act to the servient heritage.

Accessory rights.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights.

Illustrations.

(*a*) A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(*b*) A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer, provided that he does not thereby impose any additional burden on B's land.

(*c*) A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(*d*) A, as owner of a certain field, has a right of way over B's land. B renders the way impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(*e*) A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(*f*) A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(*g*) A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

Liability for expenses necessary for preservation of easement.

25. The expenses incurred in constructing works, or making repairs, or doing any other act necessary for the user or preservation of an easement, must be defrayed by the dominant owner.

Liability for damage from want of repair.

26. Where an easement is enjoyed by means of an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work.

Servient owner not bound to do anything.

27. The servient owner is not bound to do anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement; but he must not do any act tending to restrict the easement or to render its exercise more inconvenient.

N. W. P. (1867), p. 191.

Illustrations.

(*a*) A, as owner of a house, has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(*b*) A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it, nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(*c*) A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(*d*) A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(*e*) A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees so as to obstruct the passage to A's windows of that quantity of light.

Extent of easements.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect:—

Easement of necessity.

An easement of necessity is co-extensive with the necessity.

Other easements.

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

Right of way.

(*a*) a right of way of any one kind does not include any other kind:

Right to light or air acquired by grant.

(*b*) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by assurance or will, is the quantity of light or air that entered the opening at the time the assurance was made or the testator died:

Prescriptive right to light or air.

(*c*) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period, irrespectively of the purposes for which it has been used:

Prescriptive right to pollute air and water.

(*d*) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose: and

Other prescriptive rights.

(*e*) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

Increase of easement.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially increase an easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and if the dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(*a*) A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(*b*) A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(*c*) A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen

from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

Partition of dominant heritage.

30. Where a dominant heritage is divided between two or more persons, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: provided that such annexation is consistent with the terms of the instrument or decree (if any) under which the division was made or the easement was imposed and, in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(*a*) A house, to which a right of way by a particular path is annexed, is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(*b*) A house, to which is annexed the right of drawing water from a well to the extent of fifty buckets a day, is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day; but the amount drawn by both must not exceed fifty buckets a day.

(*c*) A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

Obstruction in case of excessive user.

31. In case of excessive user of an easement, the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

Illustration.

A, having a right to the free passage over B's land of light to four windows, six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.

THE DISTURBANCE OF EASEMENTS.

Right to enjoyment without disturbance.

32. The owner or occupier of the dominant heritage is entitled to enjoy the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

Suit for disturbance of easement.

33. The owner of any interest in the dominant heritage, or the occupier of such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto; provided that the disturbance has actually caused substantial damage to the plaintiff.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage, is substantial damage within the meaning of this section and section thirty-five.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial, within the meaning of this section, unless it falls within the first Explanation, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit.

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial, within the meaning of this section, if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health. 15 Beng. 68.

Illustrations.

(*a*) A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(*b*) A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground, and so as not to occasion any inconvenience to foot-passengers using the way. This is not substantial damage to A. 1 Calc. 425.

When cause of action arises for removal of support.

34. The removal of the means of support to which a dominant owner is entitled does not give rise to a right to recover compensation unless and until substantial damage is actually sustained. Act XV of 1877, s. 24.

Polluting air and water previously impure.

35. The circumstance that air or water, the subject of an easement, is already polluted by similar or different means, does not, of itself, deprive the dominant owner of his right to recover compensation from any person who adds to the pollution.

Suit for continuing disturbance.

36. Where the disturbance of an easement is continued after compensation has been recovered for the original act of disturbance, another suit may be instituted for compensation for the continuance; and the decision in the former suit is no bar to the latter.

Injunction to restrain disturbance.

37. Subject to the provisions of the Specific Relief Act, 1877, sections 52 to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement—

(*a*) if the easement is actually disturbed,—when compensation for such disturbance might be recovered under this chapter;

(*b*) if the disturbance is only threatened or intended,—when the act threatened or intended must necessarily, if performed, disturb the easement.

Abatement of obstruction of easement.

38. Notwithstanding the provisions of section twenty-four, the dominant owner cannot himself abate a wrongful obstruction of an easement. 7 Mad. H C. Rulings XXXV.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

Extinction by dissolution of right of servient owner.

39. When, from a cause which preceded the imposition of an easement, the person by whom it was imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section eleven.

Illustrations.

(*a*) A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(*b*) A, in 1860, lets Sultánpur to B for thirty years from the date of the lease. B, in 1861, imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(*c*) A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(*d*) A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section eleven. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

Extinction by release.

40. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(*a*) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(*b*) where any permanent alteration is made in the dominant heritage of such a nature as to show that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(*a*) A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(*b*) A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(*c*) A, having the right to discharge his eavesdroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished.

(*d*) A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(*e*) A, having a projecting roof by means of which he enjoys an easement to discharge eavesdroppings on B's land, alters the roof, so as to direct the rain-water into a different channel and discharge it on C's land. The easement is impliedly released.

Extinction by revocation.

41. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.

Extinction on expiration of limited period or happening of dissolving condition.

42. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.

Extinction on termination of necessity.

43. An easement of necessity is extinguished when the necessity comes to an end.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that land over which he can pass to his field. The right of way over A's land, which B had acquired, is extinguished.

Extinction of useless easement.

44. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.

45. An easement is extinguished—

Extinction by substantial change of dominant heritage.

(*a*) where the dominant heritage is substantially changed and it is not proved that the easement was intended to continue annexed thereto notwithstanding such change, or

Extinction by material and permanent increase of burden.

(*b*) where, by any change in the dominant heritage, the burden on the servient heritage is materially increased, and cannot be reduced to its original limits, and it is not proved that the burden was intended to be increased by such change.

Extinction on permanent alteration of servient heritage by superior force.

46. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer exercise his right:

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section fourteen apply to such way.

Illustrations.

(*a*) A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently and runs through C's land. B's easement is extinguished.

(*b*) Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

Extinction by destruction of either heritage.

47. An easement is extinguished when either the dominant or the servient heritage is completely destroyed. N.-W. P. (1866), p. 197.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

Extinction by unity of ownership.

48. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages. Beng. 365.

Illustrations.

(*a*) A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field, to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(*b*) The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section forty-three.

(*c*) The servient owner acquires the dominant heritage in common with a third person: the easement is not extinguished.

(*d*) The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

(*e*) The joint owners of the dominant heritage jointly acquire the servient heritage: the easement is extinguished.

(*f*) A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(*g*) A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

Extinction by non-user.

49. A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

A discontinuous easement is extinguished when, for a like period, it has not been exercised, or the dominant owner has not registered, under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registered the said declaration.

Where an easement is exerciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(*a*) where the cessation is in pursuance of a contract between the dominant and servient owners;

(*b*) where the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or

(*c*) where the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

Extinction of accessory rights.

50. When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section forty-nine. The right of way is also extinguished.

Suspension of easement.

51. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

Servient owner not entitled to require continuance.

52. The servient owner has no right to require that an easement be continued; and, notwithstanding the provisions of section twenty-six, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Compensation for damage caused by extinguishment.

Where such notice has not been given, the servient owner is entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

Revival of easements.

53. An easement extinguished under section forty-seven revives (*a*) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion; (*b*) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site; and (*c*) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient heritage. N.-W. P. (1866), p. 197.

An easement extinguished under section forty-eight revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section forty-nine

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C, or surrenders it to B, the right of way revives.

CHAPTER VI.

LICENSES.

"License" defined.

54. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.

Who may grant license.

55. A license may be granted by any one in the circumstances and to the extent in and to which he may transfer his interest in the property affected by the license.

Grant may be express or implied.

56. The grant of a license may be express or implied from the conduct of the grantor; and an agreement purporting to create an easement, which is ineffectual for that purpose, may operate to create a license.

Accessory licenses annexed by law.

57. All licenses necessary for the enjoyment of any interest, or the exercise of any right, are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

License when transferable. "It is founded on personal confidence," 3 Kent 583.

58. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustration.

A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

Grantor's duty to disclose defects.

59. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is, and the licensee is not, aware.

Grantor's duty not to render property unsafe.

60. The grantor of a license is bound not to do anything likely to render the property affected by the license dangerous to the person or property of the licensee.

Grantor's transferee not bound by license. 17 Q. B. 674.

61. When the grantor of the license transfers the property affected thereby, the transferee is not bound by the license.

License when revocable.

62. A license may be revoked by the grantor, unless

(*a*) it is coupled with a transfer of property and such transfer is in force: Gale 69.

(*b*) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

Revocation express or implied.

63. The revocation of a license may be express or implied.

Illustrations.

(*a*) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(*b*) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked. Gale 65.

License when deemed revoked.

64. A license is deemed to be revoked— 3 Kent 582.

(*a*) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license:

(*b*) when the licensee releases it, expressly or impliedly, to the grantor or his representative:

(*c*) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled:

(*d*) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right:

(*e*) where the licensee becomes entitled to the absolute ownership of the property affected by the license:

(*f*) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable:

(*g*) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist:

(*h*) where the license totally ceases to be used as such for an unbroken period of twenty years and such cessation is not in pursuance of a contract between the grantor and the licensee:

(*i*) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

Licensee's rights on revocation.

65. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property. L. R. 5 C. P. 334; L. R. 9 Q. B. 400.

Licensee's rights on eviction.

66. Where a license has been granted for a consideration, and the licensee, without any fault of his own, is evicted by the grantor before he has fully enjoyed, under the license, the right for which he contracted, he is entitled to recover compensation from the grantor.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is intended to form part of the Indian Civil Code, and attempts to state, clearly and compactly, the rules relating to Easements, that is to say, the rights which a man sometimes has over one piece of immoveable property by reason of his ownership of another. As to these rights our present statutory law is silent, except so far as regards the acquisition of easements by long and continued possession, the limitation of suits for disturbing them, and the granting of injunctions to prevent such disturbance; and three of our most experienced Judges—Sir Michael Westropp, Mr. Justice (now Sir Louis) Jackson and Mr. Justice Innes—have expressed their opinion that it is desirable to codify the law on the subject, which is now (to quote the Chief Justice of Bombay) "for the most part to be found only in treatises and reports practically inaccessible to a large proportion of the legal profession in the Mufassal and to the subordinate Judges." There is much litigation in the case of urban easements, and a late Judge of the Panjáb Chief Court asserts that this is largely due to the fact that neither the people themselves, nor the majority of the Courts, understand the principles upon which such disputes should be determined. The Bill is mainly based on the law of England, which, being just, equitable and almost free from local peculiarities, has, in many cases,[a] been held to regulate the subject in this country; but a few deviations (hereinafter specified) have been made from that law, and rules as to some matters which have not hitherto come under the cognizance of the English and Indian Courts have been adapted from the writings of modern jurists.

Of Easements generally.

The Bill is divided into six chapters. The first chapter treats of easements generally, and opens with a definition of the term, so framed as to exclude all rights in gross, *i.e.*, those which are not annexed to the ownership of immoveable property. The definition also indicates that the easement must be in a corporeal heritage, and that the servient owner can only be required not to do something or to suffer something to be done. The definition also requires that the easement must be of some advantage to the dominant heritage. Such advantage, it is explained, may be contingent or remote, and even a mere amenity.

An explanation declares in effect that there may be an easement entitling the dominant owner to remove and appropriate for his own use, as such, any part of the soil of the servient heritage or anything growing or subsisting thereon. This, though in conformity with continental systems of jurisprudence, is in contravention of the English law, which reckons, for instance, as an easement, the right to take water from a spring on your neighbour's land, but denies that name to a right to take grass or gravel. "It has been said," to quote Mr. Justice Markby, "that the distinction is that the first is for convenience only, while the latter is for profit. But this, besides being a very slender distinction, is not always observed. The right to take water is just as much an easement if the water be made into beer, and sold by the person who takes it, as if it be used by himself for domestic purposes."

Sections 5 and 6 define, in accordance with English law, easements affirmative and negative, continuous and discontinuous, apparent and non-apparent. An illustration to section 5 shows that an easement to restrain interference with privacy is recognised by the Bill and is a negative easement. Such a right, founded as it is on the oriental custom of secluding females, is of much importance in India: it is recognised generally in the countries whose system is founded on the Civil law; and the decisions of the High Courts adverse to such right should not, in the opinion of the Indian Law Commission, be followed by the legislature.

Section 7 declares that an easement may be for a limited period, or subject to periodical interruption, or exerciseable only at a certain time or on condition.

Easements being restrictions on the free use of property in others are regarded with disfavour by the law, and section 8 accordingly declares that all easements are in derogation of one or other of certain rights incidental to the ownership of immoveable property. These are (*a*) the exclusive right (subject to existing law) to enjoy and dispose of immoveable property and its products, and (*b*) the right of the owner of such property to the enjoyment of the natural advantages arising from its situation, such as unpolluted air, quiet, the vertical passage of light and air, the natural support of land by the soil of another, unpolluted water, draining, the uninterrupted flow of water naturally flowing in defined channels, the discharge of surface-water on lower adjoining land, and, lastly, the use of the water of a stream for drinking, household purposes, watering cattle and, *sub modo*, for irrigation and manufactures.

Imposition, Acquisition and Transfer of Easements.

Chapter II treats of the imposition, acquisition and transfer of easements. Sections 9, 10 and 11 treat of the persons capable of constituting easements, whether permanent or temporary.

[a] See, for example, in Bombay, *Calliandoss* v. *Cleveland*, 2 Ind. Jur. O.S. 16: *Ratanji H. Bottlewala* v. *Edalji H. Bottlewala*, 8 Bom. 181. In Calcutta, *Modhoosoodhun Dey* v. *Bissonath Dey*, 15 Ben. 361: *Bhuban Mohun Banerjee* v. *Elliot*, 6 Ben. 85: *Bagram* v. *Khettranath Karformah*, 3 Beng. O. C. J. 18. In the Mufassal, *Krishna Ayyan* v. *Venkatachella Mudali*, 7 Mad. 60: *Ponnusami Tevar* v. *Collector of Madura*, 5 Mad. 6, 23, 24: *Morgan* v. *Kirby*, I. L. R. 2 Mad. 46. Panjáb Record, No. 80 of 1876.

Provision is made for the cases of lessees, co-owners, trustees, servient owners, lessors and mortgagors. The Bill (here following a decision of the Madras High Court, 4 Mad. 98, but deviating from English law) does not require the express imposition of an easement to be evidenced by writing. The Bill then shews who may acquire easements, allowing one of several co-owners to acquire, without the consent of the others, an easement for the benefit of the property held in co-ownership, allowing also (in accordance with Lord Kenyon's dictum in *Large* v. *Pitt*) a lessee whose interest is permanent and transferable to acquire an easement over land held by another like lessee of the same landlord, but forbidding a lessee to acquire for the beneficial enjoyment of other land of his own an easement in respect of the land comprised in his lease. Nothing is said of the acquisition of an easement by estoppel of the servient owner, as, for instance, when a person having no right to certain land purports to impose an easement upon it and afterwards acquires the land. This matter seems sufficiently provided for by the Evidence Act.

Sections 13 and 14 deal with easements of necessity, that is to say, the rights which are absolutely necessary for enjoying property and quasi-easements, that is to say, conveniences to which an owner subjects one part of his property for the benefit of another. These conveniences, when apparent and continuous and necessary for enjoying property as it was enjoyed when it was separated by grant or bequest, will, in the absence of a stipulation to the contrary, be taken as easements by the grantee or legatee of the quasi-dominant heritage. In like manner, they will be reserved as easements by the person retaining the portion for the benefit of which the conveniences existed. The Bill here follows the decision in *Pyer* v. *Carter*, 1 H. & N. 916, rather than that in *Suffield* v. *Brown*, 33 L. J. Ch. 249. When the person entitled to set out a way of necessity refuses or neglects to do so, the Bill declares that the dominant owner shall be entitled to set it out. But there is no rule, such as exists in England, that a way of necessity shall not be varied save with the consent of both dominant and servient owners, or unless the servient owner renders it impassable. The omission is intentional, as such a rule would, it is said by an eminent authority, be opposed to Indian rural economy and convenience.

The Bill then deals with the important subject of the acquisition of easements by long and continued possession. Sections 15 and 16 correspond to sections 26 and 27 of the Indian Limitation Act, 1877, but with the addition, in section 15, of a provision that a prescriptive right to support may, by user for twenty years, be acquired for land with things affixed thereto, and of explanations that nothing is an "enjoyment" when it has been had in pursuance of an agreement with the owner of the property over which the right is claimed and such right has not been granted as an easement, and that suspension of the enjoyment of an easement in pursuance of a contract between the dominant and servient owners is not such an interruption as will defeat a claim by prescription. Section 17 sets forth the limits to the acquisition of prescriptive rights. It agrees with the present law and its English prototype (where the user has continued for forty years) in making no provision for cases in which the servient owner is ignorant of the user or has been incapable of resisting it. The Bill also provides, in accordance with a decision of the House of Lords, that a right tending to the destruction of the servient heritage cannot be acquired by prescription.

Section 18 deals with customary easements, *i.e.*, easements acquired in virtue of a local custom, such, for example, as the custom that every cultivator of village-land is entitled, as such, to graze his cattle on the common pasture, and the custom that no owner of a house can open a new window therein so as substantially to invade his neighbour's privacy.

As an easement exists only for the beneficial enjoyment of a certain thing, it cannot be separated from that thing. Section 19, taken from the Transfer of Property Bill, accordingly declares that the transfer of a dominant heritage passes the easement, unless a contrary intention appears.

Incidents of Easements.

Chapter III deals with the user, the extent and other incidents of easements. The rules which it contains are expressly made subject to the incidents of customary easements to contract and to the provisions of any instrument or of a decree by which an easement is imposed. As an easement exists only for the benefit of a certain heritage, it can be enjoyed only in the interests of that heritage, and to supply its wants. Section 21 accordingly declares that an easement cannot be used for any purpose unconnected with the enjoyment of the dominant heritage. As the law does not favour restrictions on rights of property, section 22 declares that an easement must be exercised in the mode least onerous to the servient owner, and allows him to confine such exercise to a determinate part of the servient heritage, when this can be done without detriment to the dominant owner. Section 23 allows, on the other hand, a corresponding privilege to the dominant owner by permitting him to alter the mode and place of enjoying his easement so long as such alteration imposes no additional burden on the servient heritage. By sections 24, 25 and 26, the dominant owner may, in proper time and manner, do what is necessary to secure the full enjoyment of his easement; bearing the expense of constructing or repairing necessary works, and being liable for damage arising from their disrepair. As an easement is imposed on a thing, and not on its owner, section 27 declares that the servient owner is not, as such, bound to do anything for the benefit of the dominant heritage. This rule, however, like the others in the chapter, is subject to local usage saved by law, such, for example, as the Panjáb

usage, that the servient owner of upper land shall in *Chait* break his dam so as to ensure a certain modicum of water to the dominant owner of the lower land. Section 28 defines, in accordance with English decisions, the mode in which the extent of easements is to be determined; section 29 declares the law as to the increase of easements, including the case, noticed by Pothier, of increase of the dominant heritage by alluvion. As easements are indivisible; as they cannot be acquired, exercised or lost in, or for the benefit of, an ideal part of a heritage, section 30 declares that when the dominant heritage is divided, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage.

The chapter concludes with a declaration that the servient owner may ordinarily obstruct an excessive user of an easement (but only on the servient heritage). This, of course, is without prejudice to any other remedy, such as a suit for compensation or an injunction, to which he may be entitled.

Disturbance of Easements.

Chapter IV, on the disturbance of easements, after describing the general right to undisturbed enjoyment, proceeds (section 33) to provide that the owner of any interest in the dominant heritage, or the occupier of the heritage, may sue for a disturbance if it has caused him substantial damage. Such damage includes the doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage. As the law stands both in England and in India, a suit will lie for the disturbance of a right to light where the obstruction interferes materially with the comfort of the plaintiff. But in the case of a right to air, the obstruction, to be actionable, must amount to a nuisance (3 Beng. O. C. 18). It would seem that, in a country like India, the right to air is entitled to at least as much favour as the right to light, and that we should not in this respect follow a law fashioned upon the wants of the inhabitants of a northern country (15 Beng. 68). The Bill accordingly allows a suit for the obstruction of the free passage of air where it interferes materially with the plaintiff's physical comfort, although it is not injurious to his health.

The period at which the cause of action arises when a right of support is disturbed is declared, by section 34, in accordance with the decision in *Bonomi* v. *Backhouse*, and the Indian Limitation Act, 1877, section 24, to be when the damage is sustained.

Cases of polluting air and water previously impure are dealt with in section 35.

Suits for continuing disturbances are provided for by section 36, and rules as to injunctions to restrain disturbances are added by section 37 to those already contained in the Specific Relief Act.

In section 38, the right to abate a wrongful obstruction of light, air or water, is disallowed. This, though a deviation from English law, will avoid the risk of riot and trespass, and is a step taken in the direction in which all modern systems of law have tended, of forbidding private persons to redress their grievances by their own act. There is, it seems, a contrary usage in the Sialkot District; but this will be saved by section 2, clause (*b*).

Extinction, Suspension and Revival of Easements.

Chapter V deals with the extinction, suspension and revival of easements. It first states eleven cases in which an easement may be extinguished, as follows:—

(*a*) by dissolution of the right of the person who imposed the easement (section 39):

(*b*) by release (section 40):

(*c*) by revocation (section 41):

(*d*) by expiration of the time for which the easement was imposed or the happening of the dissolving condition annexed thereto (section 42):

(*e*) in the case of an easement of necessity, when the necessity ends (section 43):

(*f*) when the easement becomes incapable of being under any circumstances beneficial (section 44):

(*g*) by alteration of the dominant heritage (section 45):

(*h*) by alteration of the servient heritage (section 46):

(*i*) by destruction of either heritage (section 47):

(*j*) by unity of ownership (section 48):

(*k*) by non-user (section 49).

In most of these cases the reason for extinction is obvious. Three, however, may need explanation. Useless restrictions of the rights of property are to be avoided, and section 44 consequently declares that an easement which, under no circumstances, can be advantageous to the dominant heritage shall cease to exist. Every easement is a right which the dominant owner would not require if he were also owner of the servient heritage. Section 48 therefore declares that an easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages.

The section (49) treating of extinctive prescription, *i.e.*, the extinction by non-user of prescriptive rights and other easements, requires fuller notice. As in the case of acquisition by prescription, the Bill does not assume that a fictitious grant has been made by the servient owner, so here the Bill rejects the doctrine that non-user is to be regarded merely as evidence from which a release may be implied, and proposes the following rules on this difficult subject—

"A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

"A discontinuous easement is extinguished when, for a like period, it has not been exercised, or the dominant owner has not registered, under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

"Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registered the said declaration.

"Where an easement is exerciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

"The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

"An easement is not extinguished under this section, (*a*) where the cessation is in pursuance of a contract between the dominant and servient owners, (*b*) where the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or (*c*) where the easement is a necessary easement.

"Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement."

It will be seen that the same period is fixed for the loss of an easement by non-user as for its original acquisition by enjoyment[a]; that this method of extinction is not confined (as seems to be the case in America) to prescriptive rights, and that no exception is made where the exercise of the easement has been prevented by force or by the theft of its subject. There is, in such cases, a *de facto* interruption of the dominant owner's quasi-possession, even though he is unaware of the obstruction or ignorant of his right. Where the dominant owner exercises, during the prescriptive period, a right less extensive than that to which he is entitled, some systems lay down that his easement shall be reduced to the right actually exercised. The Bill omits all provisions on this head, partly because they are inconsistent with the indivisible nature of an easement, and partly because they would obviously encourage litigation.

Nothing is said of the extinction of an easement by estoppel of the dominant owner, as this matter seems sufficiently provided for by the Evidence Act.

The extinction of rights accessory to easements is provided for by section 50.

The suspension of easements by unity of possession is then dealt with by section 51. Suspension by encroachment is not recognised by the Bill.

Section 52 negatives any right of the servient owner to require that an easement should continue. It also negatives his right to demand compensation for damage caused by its extinguishment or suspension if the dominant owner has given him such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage. Where such notice has not been given, the servient owner will be entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension. The Bill here deviates somewhat from the English law, as declared in *Mason* v. *The Shrewsbury and Hereford Railway Company*, L. R. 6 Q. B. 578.

Lastly, section 53 deals with the revival of extinguished and suspended easements, and provides, not only for the common case of a house pulled down for the purpose of re-building, but also for that of a diluviated heritage restored by alluvion.

The Bill saves (section 2) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, or of the water flowing, collected, retained or distributed in or by any channel or other

[a] It was held by the High Court at Fort William, that a right of way was lost by non-user for *six* years, 5 Beng. Appendix 66. In *Ward* v. *Ward* (7 Exch. 838), on the other hand, such a right was held to survive a non-user for more than twenty years.

work constructed at the public expense for irrigation. The power of the Executive to carry out schemes of irrigation will thus remain unhampered. The Bill also saves all enactments not expressly repealed, such, for example, as the Forest Act and, in the Panjáb, Act IV of 1872, section 7, and in Oudh, Act XVIII of 1876, section 4. It will thus avoid interference with forest-conservancy and with local usage in those parts of India in which customary law prevails. It also, *ex abundante cautela*, saves any customary or other right (not conferred by license) over land which the Government, the public or any person may possess irrespective of any other land. Such rights, when conferred by license, are dealt with by Chapter VI.

It may, in conclusion, be remarked that a rough draft of this Bill was circulated in February, 1878, to the Local Governments for opinion. The result was a mass of criticism, some of which was searching and therefore welcome. The Bill was then revised and submitted to the Indian Law Commissioners, who in their report made the following observations :—

"The chief objections taken to the Bill are that, by informing people of their rights, it will provoke litigation, and that it will abolish or otherwise interfere with easements recognised only by local usage. The former objection, if valid, is an objection to all positive law declaring rights, and, in a less degree, to every decision of a court of justice which enunciates a general rule respecting rights. But it is matter of ordinary experience that people are more prone to bring or resist claims to doubtful than to certain rights; that, in other words, litigation is promoted by doubt as to what is, and what is not, a right recognised by the courts of justice. By its explicit declarations of the law on points now held doubtful by the people, the Bar and the Judges of the Subordinate Courts, the Bill appears likely to check, rather than increase, litigation. As to the latter objection, that the Bill will interfere with local usages, we have been unable to find in the papers submitted to us a single instance of a right in the nature of an easement that would have been affected *in malam partem* by the Bill; and we strongly suspect that many of its critics have confounded rights in gross with easements properly so called."

The Bill as revised by the Law Commission extends to the whole of British India; but as there are some parts of the country (*e.g.*, Assam and British Burma) where the rights with which it deals are said to be practically unknown; as in others (*e.g.*, the Panjáb), it may, perhaps, be expedient to extend it to towns, leaving the rural districts entirely to their local usage, the Local Governments are invited to state whether the extension of the proposed law should be made permissive.

The Bill is now published in accordance with the permission of the present Secretary of State for India, and, save that the definition of an apparent easement has been amended, that section 13 (as to easements of necessity) has been slightly altered so as to express the recent decision of the Master of the Rolls in *Mayor of London* v. *Riggs* (49 L. J. Chan. Div. 297), and that the commencement of the Act and the dates in the illustrations to section 15 have been changed, it reproduces the draft as settled by the Law Commission.

SIMLA;
The 6th November, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 27, 1880.

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

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor General :—

THE INDIAN TRUSTS BILL, 1880.

CONTENTS.

PREAMBLE.

CHAPTER I.

PRELIMINARY.

SECTIONS.
1. Short title.
Commencement.
Local extent.
Savings.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

OF THE CREATION OF TRUSTS.

4. Lawful purpose.
5. Trust of immoveable property.
Trust of moveable property.
6. Creation of trust.
7. Who may create trust.
8. Subject of trust.
9. Who may be beneficiary.
Disclaimer by beneficiary.
10. Who may be trustee.
No one bound to accept a trust.
Acceptance of trust.
Disclaimer of trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

11. Trustee to execute trust.
12. Trustee to inform himself of state of trust-property.
13. Trustee to protect title to trust-property.
14. Trustee not to set-up title adverse to beneficiary.
15. Care required from trustee.
16. Conversion of perishable property.
17. Trustee to be impartial.
18. Trustee to prevent waste.
19. Accounts and information.
20. Investment of trust-money.
Mortgage of land pledged to Government under Act XXVI of 1871.
Deposit in Government Savings Bank.
21. Sale by trustee directed to sell within specified time.
22. Transfer to beneficiary on completion of purpose.
23. Liability for breach of trust.
24. No set-off allowed to trustee.
25. Non-liability for predecessor's default.
26. Non-liability for co-trustee's default.
Joining in receipt for conformity.
27. Several liability of co-trustees.
Contribution as between co-trustees.
28. Non-liability of trustee paying without notice of transfer by beneficiary.
29. Liability of trustee where beneficiary's interest is forfeited to Government.
30. Indemnity of trustees.

SECTIONS.

CHAPTER IV.

OF THE RIGHTS AND POWERS OF TRUSTEES.

31. Right to title-deeds.
32. Right to reimbursement of expenses.
Right to be recouped for erroneous overpayment.
33. Right to indemnity from gainer by breach of trust.
34. Right to apply to Court for opinion in management of trust-property.
35. Right to settlement of accounts.
36. General authority of trustee.
37. Power to sell in lots, and either by public auction or private contract.
38. Power to sell under special conditions.
Power to buy-in and re-sell.
Time allowed for selling trust-property.
39. Power to convey.
40. Power to vary investments.
41. Power to apply property of minors, &c., for their maintenance, &c.
42. Power to give receipts.
43. Power to several trustees of whom one disclaims or dies.
44. Suspension of trustee's powers by decree.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

45. Trustee cannot renounce after acceptance.
46. Trustee cannot delegate.
47. Co-trustees cannot act singly.
48. Control of discretionary power.
49. Trustee may not charge for services.
50. Trustee may not use trust-property for his own profit.
51. Trustee for sale or his agent may not buy.
52. Trustee may not buy beneficiary's interest without permission.
Trustee for purchase.
53. Co-trustees may not lend to one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

54. Rights to rents and profits.
55. Right to specific execution.
Right to transfer of possession.
56. Right to inspect and take copies of instrument of trust, accounts, &c.
57. Right to transfer beneficial interest.
58. Right to sue for execution of trust.
59. Right to proper trustees.
60. Right to compel to any act of duty.
61. Wrongful purchase by trustee.
62. Following trust-property—
into the hands of third persons;
into that into which it has been converted.
63. Acquisition by trustee of trust-property wrongfully converted.
64. Wrongful employment of trust-funds in trade.
65. Right in case of blended property.
66. Wrongful employment by partner-trustee of trust-property for partnership purposes.
67. Liability of beneficiary joining in breach of trust.
68. Rights and liabilities of beneficiary's transferee.

SECTIONS.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

69. Office how vacated.
70. Discharge of trustee.
71. Petition to be discharged from trust.
72. Appointment of new trustees on death, &c.
73. Appointment by Court.
Rule for selecting new trustees.
74. Vesting of trust-property in new trustees.
Powers of new trustees.
75. Survival of trust.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

76. Trust how extinguished.
77. Revocation of trust.
78. Revocation not to defeat what trustees have duly done.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

79. Where obligation in nature of trust is created.
80. Where it does not appear that transferor intended to dispose of beneficial interest.
81. Transfer to one for consideration paid by another.
82. Trust incapable of execution or executed without exhausting trust-property.
83. Transfer for illegal purpose.
84. Bequest for illegal purpose.
Bequest of which revocation is prevented by coercion.
85. Transfer pursuant to rescindible contract.
86. Transfer in fraud of transferor's creditors.
87. Debtor becoming creditor's representative.
88. Advantage gained by fiduciary.
89. Advantage gained by exercise of undue influence.
90. Advantage gained by qualified owner.
91. Property acquired with notice of existing contract.
92. Purchase by person contracting to buy property to be held on trust.
93. Advantage secretly gained by one of several compounding creditors.
94. Constructive trusts in cases not expressly provided for.
95. Obligor's duties, liabilities and disabilities.
96. Saving of rights of *bonâ fide* purchasers.

THE SCHEDULE.

A Bill to define and amend the law relating to Private Trusts and Trustees.

Preamble.

WHEREAS it is expedient to define and amend the law relating to private trusts and trustees; It is hereby enacted as follows:—

Trusts in India of various kinds, 18 W. R. (P.C.) 859. Trusts for benefit of creditors, 1 Bomb. 233: 9 Bomb. 249: 10 Bomb. 327. Trustee misapplying trust-funds, Suth. F. 60.

CHAPTER I.

PRELIMINARY.

Short Title.

1. This Act may be called "The Indian Trusts Act, 1882": and it shall

Commencement.

come into force on the first day of March 1882.

Local extent.

It extends to the whole of British India; but nothing

Savings.

herein contained affects the rules of Muhammadan law as to *waqf*, or the mutual relations of the members of an undivided family as determined by any customary or personal law, or applies to public or private religious or charitable endowments, or to trusts to distribute prizes taken in war among the captors; and nothing in the second chapter of this Act applies to trusts created before the said day.

As to family religious trusts, 10 Beng. 19: Norton, II, 406. As to Pagoda-trustees, see 1 Mad. 415: 7 Mad. 77: Act XX of 1863. Property purchased in name of an idol, 15 Beng. 176.

Repeal of enactments.

2. On and from that day the Statutes and Acts mentioned in the Schedule hereto annexed shall be repealed to the extent therein mentioned.

Interpretation clause.

3. A "trust" is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner or declared and accepted by him, for the benefit of another, or of another and the owner:

"author of the trust":
"trustee":
"beneficiary":

the person who reposes or declares the confidence is called the "author of the trust": the person who accepts the confidence is called the "trustee": the person for whose benefit the confidence is accepted is called the "beneficiary": the subject-matter of the trust is called

"trust-property":

"trust-property," or "trust-money": the "beneficial interest" or "interest" of the beneficiary is his right against the trustee as owner of the trust-property; and the instrument, if any, by which the

"instrument of trust":

trust is declared is called the "instrument of trust:"

"breach of trust":

a breach of any duty imposed on a trustee, as such, by any law for the time being in force, is called a "breach of trust":

"registered":

and in this Act, unless there be something repugnant in the subject or context, "registered" means registered under the law for the registration of documents for the time being in force: a person is

"notice."

said to have "notice" of a fact either when he actually knows that fact or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent under the circumstances mentioned in the Indian Contract Act,

Expressions defined in Act IX of 1872.

1872, section 229; and all expressions used herein and defined in the Indian Contract Act, 1872, shall be deemed to have the meanings respectively attributed to them by that Act.

v. 'fraud,' infra.

CHAPTER II.

OF THE CREATION OF TRUSTS.

Lawful purpose.

4. A trust may be created for any lawful purpose. The purpose of a trust is lawful unless it is (*a*) forbidden by law, or (*b*) is of such a nature that, if permitted, it would defeat the provisions of any law, or (*c*) is fraudulent, or (*d*) involves or implies injury to the person or property of another, or (*e*) the Court regards it as immoral or opposed to public policy.

9 Bomb. 377: Act IX of 1872, s. 23. Beng. Reg. II of 1793, s. 19, forbids Collectors to make their subordinates their trustees. Perpetuity, 14 Beng. 175.

Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

Explanation.—In this section, the expression "law" includes, where the trust-property is immoveable and situate in a foreign country, the law of such country.

See *Nelson* v. *Bridport*, 8 Beav. 547.

Illustrations.

(*a*). A conveys property to B in trust to apply the profits to the nurture of female foundlings to be trained up as prostitutes. The trust is void.

(*b*). A conveys property to B in trust for C for his life, and after his death to D for his life, and after D's death to such of the sons of D as shall first attain the age of twenty-five. A, B, C and D are persons to whom the Indian Succession Act, 1865, applies. The trust after D's death is void.

Act X of 1865, s. 101.

(*c*). A bequeathes property to B in trust to employ it in carrying on a smuggling business, and out of the profits thereof to support A's children. The trust is void.

(*d*). A, while in insolvent circumstances, transfers property to B in trust for A during his life, and after his death for B. A is declared an insolvent. The trust for A is invalid as against his creditors.

Trust of immoveable property.

5. No trust in relation to immoveable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or by the will of the author of the trust or of the trustee.

Trust of moveable property.

No trust in relation to moveable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

These rules do not apply where they would operate so as to effectuate a fraud.

Creation of trust.

6. Subject to the provisions of section five, a trust is created when the author of the trust indicates with reasonable certainty by any words or acts (*a*) an intention on his part to create thereby a trust, (*b*) the purpose of the trust, (*c*) the beneficiary, and (*d*) the trust-property, and (unless the trust is declared by will, or the author of the trust is himself to be the trustee) transfers the trust-property to the trustee.

Whether voluntary declaration of trust is binding against Hindú declarant, 4 Mad. 462. Transmutation of possession unnecessary, 2 Bomb. 143 (a Pársí case): Act I of 1877, s. 3: See 7 Bomb. A. C. J. 149.

Illustrations.

(*a*). A bequeathes certain property to B, "having the fullest confidence that he will dispose of it for the benefit of" C. This creates a trust so far as regards A and C.

(*b*). A bequeathes certain property to B, "hoping he will continue it in the family." This does not create a trust, as the beneficiary is not indicated with reasonable certainty.

(*c*). A bequeathes certain property to B, requesting him to distribute it amongst such members of C's family as B should think most deserving. This does not create a trust, for the beneficiaries are not indicated with reasonable certainty.

(*d*). A bequeathes certain property to B, desiring him to divide the bulk of it among C's children. This does not create a trust, for the trust-property is not indicated with sufficient certainty.

(*e*). A bequeathes a shop and stock-in-trade to B, on condition that he pays A's debts and a legacy to C. This is a condition, not a trust for A's creditors and C.

Who may create trusts.

7. A trust may be created—

(*a*) by every person competent to contract, and

(*b*) with the permission of a principal Civil Court of original jurisdiction, by or on behalf of a minor;

but subject in each case to the law for the time being in force as to the circumstances and extent

Cf. Act IX of 1872, ss. 11 & 12.

in and to which the author of the trust may dispose of the trust-property.

Subject of trust.

8. The subject-matter of a trust must be property transferable to the beneficiary.

It must not be a merely beneficial interest under a subsisting trust.

Who may be beneficiary.

9. Every person capable of holding property may be a beneficiary.

Disclaimer by beneficiary.

A proposed beneficiary may renounce his interest under the trust by disclaimer addressed to the trustee, or by setting up, with notice of the trust, a claim inconsistent therewith.

Act IX of 1872, s. 11.

Who may be trustee.

10. Every person capable of holding property may be a trustee; but where the trust involves the exercise of discretion, he cannot execute it unless he is competent to contract.

No one bound to accept trust.

No one is bound to accept a trust.

Acceptance of trust.

Subject to the provisions of section five, a trust is accepted by any words or acts of the trustee indicating with reasonable certainty such acceptance.

Disclaimer of trust.

Instead of accepting a trust, the intended trustee may, within a reasonable period, disclaim it, and such disclaimer shall prevent the trust-property from vesting in him.

A disclaimer by one of two or more co-trustees vests the trust-property in the other or others and makes him or them sole trustee or trustees from the date of the creation of the trust.

Illustrations.

(*a*). A bequeathes certain property to B and C, his executors, as trustees for D. B and C prove A's will. This is in itself an acceptance of the trust, and B and C hold the property in trust for D.

(*b*). A transfers certain property to B in trust to sell it and to pay out of the proceeds A's debts. B accepts the trust and sells the property. So far as regards B, a trust of the proceeds is created for A's creditors.

(*c*). A bequeathes a lákh of rupees to B upon certain trusts and appoints him his executor. B severs the lákh from the general assets and appropriates it to the specific purpose. This is an acceptance of the trust.

CHAPTER III.

OF THE DUTIES AND LIABILITIES OF TRUSTEES.

Trustee to execute trust.

11. The trustee is bound to fulfil the purpose of the trust, and to obey the directions of the author of the trust given at the time of its creation, except as modified by the consent of all the beneficiaries being competent to contract.

Where the beneficiary is incompetent to contract, his consent may, for the purposes of this section, be given by a principal Civil Court of original jurisdiction.

Nothing in this section shall be deemed to require a trustee to obey any direction when to do so would be impracticable, illegal or manifestly injurious to the beneficiaries.

Explanation.—Unless a contrary intention be expressed, the purpose of a trust for the payment of debts shall be deemed to be (*a*) to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and (*b*) in the case of debts not bearing interest, to make such payment without interest.

Illustrations.

(*a*). A, a trustee, is simply authorized to sell certain land by public auction. He cannot sell the land by private contract.

(*b*). A, a trustee of certain land for X, Y and Z, is authorized to sell the land to B for a specified sum. X, Y and Z, being competent to contract, consent that A may sell the land to C, for a less sum. A may sell the land accordingly.

(*c*). A, a trustee for B and her children, is directed by the author of the trust to lend, on B's request, trust-property to B's husband, C, on the security of his bond. C becomes insolvent, and B requests A to make the loan. A may refuse to make it.

Trustee to inform himself of state of trust-property.

12. A trustee is bound to acquaint himself, as soon as possible, with the nature and circumstances of the trust-property; to obtain, where necessary, a transfer of the trust-property to himself; and (subject to the provisions of the instrument of trust) to get in trust-moneys invested on insufficient or hazardous security.

Illustrations.

(*a*). The trust-property is a debt outstanding on personal security. The instrument of trust gives the trustee no discretionary power to leave the debt so outstanding. The trustee's duty is to recover the debt without unnecessary delay. — 4 Moo. I. A. 452.

(*b*). The trust-property is money in the hands of one of two co-trustees. No discretionary power is given by the instrument of trust. The other co-trustee must not allow the former to retain the money for a longer period than the circumstances of the case require. — *Bái Jaddv* v. *Tribhuvandás*, 9 Bom. 333.

Trustee to protect title to trust-property.

13. A trustee is bound to maintain and defend all such suits, and (subject to the provisions of the instrument of trust) to take such other steps as, regard being had to the amount or value of the trust-property, may be reasonably requisite for the preservation of the trust-property and the assertion or protection of the title thereto. — Act I of 1877, s. 10, expl. 1.

Illustration.

The trust-property is immoveable property which has been given to the author of the trust by an unregistered instrument. Subject to the provisions of the Indian Registration Act, 1877, the trustee's duty is to cause the instrument to be registered.

Trustee not to set-up title adverse to beneficiary.

14. The trustee must not for himself or another set-up or aid any title to the trust-property adverse to the interest of the beneficiary.

Care required from trustee.

15. A trustee is bound to deal with the trust-property as carefully as a man of ordinary prudence would deal with such property if it were his own; and, in the absence of a contract to the contrary, a trustee so dealing is not responsible for the loss, destruction or deterioration of the trust-property. — Act IX of 1872, ss. 151, 152.

Illustrations.

(*a*). A, living in Calcutta, is a trustee for B, living in Bombay. A remits trust-funds to B by bills drawn by a person of undoubted credit in favour of the trustee as such, and payable at Bombay. The bills are dishonoured. A is not bound to make good the loss.

(*b*). A, a trustee of leasehold property, directs the tenant to pay the rents on account of the trust to a banker, B, then in credit. The rents are accordingly paid to B, and A leaves the money with B only till wanted. Before the money is drawn out, B becomes insolvent. A having had no reason to believe that B was in insolvent circumstances, A is not bound to make good the loss.

(*c*). A, a trustee of two debts for B, releases one and compounds the other, in good faith and reasonably believing that it is for B's interest to do so. A is not bound to make good any loss caused thereby to B.

(*d*). A, a trustee directed to sell the trust-property by auction, sells the same, but does not advertise the sale and otherwise fails in reasonable diligence in inviting competition. A is bound to make good the loss caused thereby to the beneficiary.

(*e*). A, a trustee for B, in execution of his trust, sells the trust-property, but from want of due diligence on his part fails to receive part of the purchase-money. A is bound to make good the loss thereby caused to B.

(*f*). A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums, and the policy is consequently forfeited. A is bound to make good the loss to B.

(*g*). A bequeathes certain moneys to B and C as trustees, and authorizes them to continue trust-moneys upon the personal security of a certain firm in which A had himself invested them. A dies, and a change takes place in the firm. B and C must not permit the moneys to remain upon the personal security of the new firm.

(*h*). A, a trustee for B, allows the trust to be executed solely by his co-trustee C. C misapplies the trust-property. A is personally answerable for the loss resulting to B.

Conversion of perishable property.

16. Where the trust is created for the benefit of several persons in succession, and the trust-property is of a wasting nature or a future or reversionary interest, the trustee is bound, unless an intention to the contrary may be inferred from the instrument of trust, to convert the property into property of a permanent and immediately profitable character.

Illustrations.

(*a*). A bequeathes to B all his property in trust for C during his life, and on his death for D, and on D's death for E. A's property consists of three leasehold houses, and there is nothing in A's will to show that he intended the houses to be enjoyed in specie. B should sell the houses, and invest the proceeds in accordance with section twenty.

(*b*). A bequeathes to B his three leasehold houses in Calcutta and all the furniture therein in trust for C during his life, and on his death for D, and on D's death for E. Here an intention that the houses and furniture should be enjoyed in specie appears clearly, and B should not sell them.

Trustee to be impartial.

17. Where there are more beneficiaries than one, the trustee is bound to be impartial, and must not execute the trust for the advantage of one at the expense of another.

Where the trustee has a discretionary power, nothing in this section shall be deemed to authorize the Court to control the exercise reasonably and in good faith of such discretion.

Illustration.

A, a trustee for B, C and D, is empowered to choose between several specified modes of investing the trust-property. A in good faith chooses one of these modes. The Court will not interfere, although the result of the choice may be to vary the relative rights of B, C and D.

Trustee to prevent waste.

18. Where the trust is created for the benefit of several persons in succession and one of them is in possession of the trust-property, if he commits, or threatens to commit, any act which is destructive or permanently injurious thereto, the trustee must take measures to prevent such act.

Accounts and information.

19. A trustee is bound (*a*) to keep clear and accurate accounts of the trust-property, and (*b*), at all reasonable times, at the request of the beneficiary, to furnish him with full and accurate information as to the amount and state of the trust-property.

Investment of trust-money.

20. Where the trust-property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee must (subject to any direction contained in the instrument of trust) invest the money on the following securities, and on no others:— — Act XXVIII of 1866, ss. 5 and 32. As to the necessity of some such provisions, see *DeSouza* v. *DeSouza*, 12 Bom. 184.

(*a*) in promissory notes, debentures, stock or other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland; — Cf. 23 & 24 Vic., c. 145, s. 25.

(*b*) in bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

(*c*) in stock or debentures of, or shares in Railway or other Companies the interest whereon shall have been guaranteed by the Secretary of State for India in Council; — Cf. 32 & 33 Vic., c. 132, s. 2.

(*d*) in debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India; — Cf. 34 & 35 Vic., c. 47, s. 13.

(*e*) on a first mortgage of immoveable property situate in British India: provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third, or, if consisting of buildings, exceeds by one-half, the mortgage-money; or

(*f*) on any other security expressly authorized by the instrument of trust:

Provided that, where there is a person competent to contract and entitled in possession to receive the income of the trust-property for his life, or for any greater estate, no investment on any security mentioned or referred to in clauses (*d*), (*e*) and (*f*) shall be made without his consent in writing. — The Statute excepts investment on Consols.

Mortgage of land pledged to Government under Act XXVI of 1871.

Nothing in this section shall be deemed to preclude an investment on a mortgage of immoveable property already pledged as security for an advance under the Land Improvement Act, 1871, or, in case the trust-money does not exceed one thousand rupees, a deposit thereof in a Government Savings Bank. — 27 & 28 Vic., c. 114, s. 61.

Deposit in Government Savings Bank.

Sale by trustee directed to sell within specified time.

21. Where a trustee directed to sell within a specified time extends such time, as between himself and the beneficiary, the burden of proving that the latter is not prejudiced by the extension lies upon the trustee, unless the extension has been authorized by a principal Civil Court of original jurisdiction.

Illustration.

A bequeathes property to B, directing him with all convenient speed and within five years to sell it, and apply the proceeds for the benefit of C. In the exercise of reasonable discretion, B postpones the sale for six years. The sale is not thereby rendered invalid, but C, alleging that he has been injured by the postponement, institutes a suit against B to obtain compensation. In such suit the burden of proving that C has not been injured lies on B.

Transfer to beneficiary on completion of purpose.

22. When the purpose of the trust is completely fulfilled, the trustee must on demand transfer the trust-property to his beneficiary, unless the trustee has notice of any title in another which is para-

mount to the beneficiary's interest and of an intention to assert such title.

Liability for breach of trust.

23. Where the trustee commits a breach of trust, he is liable to make good the loss which the trust-property has thereby sustained, unless the beneficiary has by fraud induced the trustee to commit the breach, or the beneficiary, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, concurred in the breach, or subsequently acquiesced therein, with full knowledge of the facts of the case and of his rights as against the trustee.

Illustrations.

(*a*). A trustee improperly leaves trust-property outstanding and it is consequently lost: he is liable to make good the property lost, but he is not liable to pay interest thereon.

(*b*). A bequeathes a house to B in trust to sell it and pay the proceeds to C. B neglects to sell the house for a great length of time, whereby the house is deteriorated and its market price falls. B is answerable to C for the loss.

(*c*). A trustee is guilty of unreasonable delay in investing trust-money in accordance with section twenty, or in paying it to the beneficiary. The trustee is liable to pay interest thereon for the period of the delay.

(*d*). The duty of the trustee is to invest trust-money in any of the securities mentioned in section twenty, clause (*a*), (*b*), (*c*) or (*d*). Instead of so doing, he retains the money in his hands. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, and the intermediate dividends and interest thereon.

(*e*). The instrument of trust directs the trustee to invest trust-money either in any of such securities or on mortgage of immoveable property. The trustee does neither. He is liable for the principal money and interest.

(*f*). The instrument of trust directs the trustee to invest trust-money in any of such securities and to accumulate the dividends thereon. The trustee disregards the direction. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and compound interest, or with the amount of such securities which he might have purchased with the trust-money when the investment should have been made, together with the amount of the accumulation which would have arisen from a proper investment of the intermediate dividends.

(*g*). Trust-property is invested in one of the securities mentioned in section twenty, clause (*a*), (*b*), (*c*) or (*d*). The trustee sells such security for some purpose not authorized by the terms of the instrument of trust. He is liable, at the option of the beneficiary, either to replace the security with the intermediate dividends and interest thereon, or to account for the proceeds of the sale with interest thereon.

(*h*). The trust-property consists of land. The trustee sells the land to a purchaser for a consideration without notice of the trust. The trustee is liable, at the option of the beneficiary, to purchase other land of equal value to be settled upon the like trust, or to be charged with the proceeds of the sale with interest, or to be charged with the present estimated value of the land sold, after deducting therefrom any decrease of price caused by subsequent improvements.

No set-off allowed to trustee.

24. A trustee who is liable for a loss occasioned by a breach of trust in respect of one portion of the trust-property cannot set-off against his liability a gain which has accrued to another portion of the trust-property through another and distinct breach of trust.

Non-liability for predecessor's default.

25. Where a trustee succeeds another, he is not, as such, liable for the acts or defaults of his predecessor.

Non-liability for co-trustee's default.

26. Subject to the provisions of sections thirteen and fifteen, one trustee is not, as such, liable for a breach of trust committed by his co-trustee:

Provided that, in the absence of an express declaration to the contrary in the instrument of trust, a trustee is so liable— Act I of 1877, s. 54, ill. (*b*).

(*a*) where he has delivered trust-property to his co-trustee without seeing to its proper application:

(*b*) where he allows his co-trustee to receive trust-property and fails to make due enquiry as to the co-trustee's dealings therewith, or allows him to retain it longer than the circumstances of the case reasonably require:

(*c*) where he becomes aware of a breach of trust committed or intended by his co-trustee, and either actively conceals it or does not within a reasonable time take proper steps to protect the beneficiary's interest.

Joining in receipt for conformity.

A co-trustee who joins in signing a receipt for trust-property and proves that he has not received the same is not answerable, by reason of such signature only, for loss or misapplication of the property by his co-trustee.

Illustration.

A bequeathes certain property to B and C, and directs them to sell it and invest the proceeds for the benefit of D. B and C accordingly sell the property, and the purchase-money is received by B and retained in his hands. C pays no attention to the matter for two years and then calls on B to make the investment. B is unable to do so, becomes insolvent, and the purchase-money is lost. C may be compelled to make good the amount.

Several liability of co-trustees.

27. Where co-trustees jointly commit a breach of trust, or where one of them by his neglect enables the other to commit a breach of trust, each is liable to the beneficiary for the whole of the loss occasioned by such breach.

Contribution as between co-trustees.

But as between the trustees themselves, if one be less guilty than another and has had to refund the loss, the former may compel the latter or his legal representative to make good such loss; and if all be equally guilty, any one or more of the trustees who has had to refund the loss may compel the others to contribute.

Nothing in this section shall be deemed to authorize a trustee who has been guilty of fraud to contribution.

Non-liability of trustee paying without notice of transfer by beneficiary.

28. When any beneficiary's interest becomes vested in another person, and the trustee, not having notice of the vesting, pays or delivers trust-property to the person who would have been entitled thereto in the absence of such vesting, the trustee is not liable for the property so paid or delivered.

Liability of trustee where beneficiary's interest is forfeited to Government. New.

29. When the beneficiary's interest is forfeited or awarded by legal adjudication to Government, the trustee is bound to hold the trust-property for the benefit of such person in such manner as the Government may direct in this behalf.

Indemnity of trustees. Act XXVIII of 1866, s. 37 shortened: See sections 15 & 26 *supra*

30. Subject to the provisions of the instrument of trust and of sections twenty-three and twenty-six, trustees shall be respectively chargeable only for such moneys, stocks, funds and securities as they respectively actually receive, and shall not be answerable the one for the other of them, nor for any banker, broker or other person in whose hands

any trust-property may be placed, nor for the insufficiency or deficiency of any stocks, funds or securities, nor otherwise for involuntary losses.

CHAPTER IV.

OF THE RIGHTS AND POWERS OF TRUSTEES.

Right to title-deeds.

31. A trustee is entitled to have in his possession the instrument of trust and all the documents of title (if any) relating solely to the trust-property.

Right to reimbursement of expenses.

32. Every trustee may reimburse himself, or pay or discharge out of the trust-property, all expenses properly incurred in or about the execution of the trust, or the realization, preservation or benefit of the trust-property, or the protection or support of the beneficiary.

If he pays such expenses out of his own pocket, he has a first charge upon the trust-property for such expenses and interest thereon; but such charge (unless the expenses have been incurred with the sanction of a principal Civil Court of original jurisdiction) shall be enforced only by prohibiting any disposition of the trust-property without previous payment of such expenses and interest.

If the trust-property fail, the trustee is entitled to recover from the beneficiary personally on whose behalf he acted and at whose request, expressed or implied, he made the payment, the amount of such expenses.

Right to be recouped for erroneous overpayment.

Where a trustee has by mistake made an overpayment to the beneficiary, he may reimburse the trust-property out of the beneficiary's interest. If such interest fail, the trustee is entitled to recover from the beneficiary personally the amount of such over-payment.

Right to indemnity from gainer by breach of trust.

33. A person other than a trustee who has gained an advantage from a breach of trust must indemnify the trustee to the extent of the amount actually received by such person under the breach; and, where he is a beneficiary, the trustee has a charge on his interest for such amount.

Nothing in this section shall be deemed to entitle a trustee to be indemnified who has, in committing the breach of trust, been guilty of fraud.

Act XXVIII of 1866, s. 43. Right to apply to Court for opinion in management of trust-property.

34. Any trustee may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for its opinion, advice or direction on any present questions respecting the management or administration of the trust-property other than questions of detail, difficulty or importance, not proper for summary disposal.

A copy of such petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

The trustee stating in good faith the facts in such petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee in the subject-matter of the application.

The costs of every application under this section shall be in the discretion of the Court to which it is made.

Right to settlement of accounts.

35. When the duties of a trustee, as such, are completed, he is entitled to have the accounts of his administration of the trust-property examined and settled, and where nothing is due to the beneficiary under the trust, to an acknowledgment in writing to that effect.

General authority of trustee.

36. In addition to the powers expressly conferred by this Act and by the instrument of trust, and subject to the restrictions, if any, contained in such instrument, and to the provisions of section seventeen, a trustee may do all acts which are reasonable and proper for the realization, protection or benefit of the trust-property, and for the protection or support of a beneficiary who is not competent to contract.

Every trustee in the actual possession or receipt of the rents and profits of land as defined in the Land Improvement Act, 1871, shall be deemed to be a landlord for the purposes of that Act. 27 & 28 Vic., c. 114.

Except with the permission of a principal Civil Court of original jurisdiction, no trustee shall lease trust-property for a term exceeding twenty-one years from the date of executing the lease, nor without reserving the best yearly rent that can be reasonably gotten.

Power to sell in lots, and either by public auction or private contract. Act XXVIII of 1866, s. 2, extended to moveables.

37. Where the trustee is empowered to sell any trust-property, he may sell the same either together or in lots, and either by public auction or private contract, and either at one time or at several times, unless the instrument of trust otherwise directs.

Power to sell under special conditions. Act XXVIII of 1866, s. 3.

38. The trustee making any such sale may insert such stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale or contract for sale, as he thinks fit; and may also buy-in the property or any part thereof at any sale by auction, and rescind or vary any contract for sale, and re-sell the property so bought in, or as to which the contract is so rescinded, without being responsible to the beneficiary for any loss occasioned thereby.

Power to buy-in and re-sell.

Time allowed for selling trust-property.

Where a trustee is directed to sell trust-property, or to invest trust-money in the purchase of property, he may exercise a reasonable discretion as to the time of effecting the sale or purchase.

Illustrations.

(*a*). A bequeathes property to B, directing him to sell it with all convenient speed and pay the proceeds to C. This does not render an *immediate sale* imperative.

(*b*). A bequeathes property to B, directing him to sell it at such time and in such manner as he shall think fit and invest the proceeds for the benefit of C. This does not authorize B, as between him and C, to postpone the sale to an indefinite period.

Power to convey. Act XXVIII of 1866, s. 4.

39. For the purpose of completing any such sale, the trustee shall have power to convey or otherwise dispose of the property sold in such manner as may be necessary.

Power to vary investments. Act XXVIII of 1866, s. 32.

40. A trustee may, at his discretion, call in any trust-property invested in any security and invest the

same on any of the securities mentioned in section twenty, and from time to time vary any such investments for others of the same nature:

Provided that, where there is a person competent to contract and entitled at the time to receive the income of the trust-property for his life, or for any greater estate, no such change of investment shall be made without his consent in writing.

Act XXVIII of 1866, s. 33.

Power to apply property of minors, &c., for their maintenance, &c.

41. Where any property is held by a trustee in trust for a minor, such trustee may, at his discretion, pay to the guardians (if any) of such minor, or otherwise apply for or towards his maintenance or education or advancement in life, or the reasonable expenses of his marriage or funeral, the whole or any part of the income to which he may be entitled in respect of such property; and such trustee shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in any of the securities mentioned in section twenty for the benefit of the person who shall ultimately become entitled to the property from which such accumulations have arisen: provided that such trustee may, at any time, if he thinks fit, apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Where the income of the trust-property is insufficient for the minor's maintenance or education or advancement in life, or the reasonable expenses of his marriage or funeral, the trustee may, with the permission of a principal Civil Court of original jurisdiction, but not otherwise, apply the whole or any part of such property for or towards such maintenance, education, advancement or expenses.

See Acts XL of 1858, XX of 1864, and XIII of 1874.

Nothing in this section shall be deemed to affect the provisions of any local law for the time being in force relating to the persons and property of minors.

Act XXVIII of 1866, s. 36 shortened.

Power to give receipts.

42. A trustee may give a receipt in writing for any money paid or property transferred to him by reason or in the exercise of any trust reposed in him, and, in the absence of fraud, such receipt shall discharge the person paying or transferring the same therefrom, and from seeing to the application thereof or being accountable for any loss or misapplication thereof.

Power to several trustees of whom one disclaims or dies.

43. When an authority to deal with the trust-property is given to several trustees and one of them disclaims or dies, the authority may be exercised by the continuing trustees, unless from the terms of the instrument of trust it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

Suspension of trustee's powers by decree.

44. Where a decree has been made in a suit for the execution of a trust, the trustee must not exercise any of his powers except in conformity with such decree or with the sanction of the Court by which the decree has been made or, where an appeal against the decree is pending, of the Appellate Court.

CHAPTER V.

OF THE DISABILITIES OF TRUSTEES.

Trustee cannot renounce after acceptance.

45. A trustee who has accepted the trust cannot afterwards renounce it except (*a*) with the permission of a principal Civil Court of original jurisdiction, or (*b*), if the beneficiary is competent to contract, with his consent, or (*c*) by virtue of a special power in the instrument of trust.

Trustee cannot delegate.

46. A trustee cannot delegate his office or any of his duties either to a co-trustee or to a stranger, unless (*a*) the instrument of trust so provides, or (*b*) the delegation is in the regular course of business, or (*c*) the delegation is necessary, or (*d*) the beneficiary, being competent to contract, consents to the delegation. 3 Calc. Rep.

Explanation.—The appointment of an attorney or proxy to do an act merely ministerial and involving no independent discretion is not a delegation within the meaning of this section.

Illustrations.

(*a*). A bequeathes certain property to B and C on certain trusts to be executed by them or the survivor of them or the assigns of such survivor. B dies. C may bequeath the trust-property to D and E upon the trusts of A's will.

(*b*). A is a trustee of certain property with power to sell the same. A may employ an auctioneer to effect the sale.

(*c*). A bequeathes to B fifty houses let at monthly rents in trust to collect the rents and pay them to C. B may employ a proper person to collect these rents.

Co-trustees cannot act singly.

47. When there are more trustees than one, all must join in the execution of the trust, except where the instrument of trust otherwise provides.

Control of discretionary power.

48. Where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by a principal Court of original civil jurisdiction.

Trustee may not charge for services.

49. In the absence of express directions to the contrary contained in the instrument of trust or of a contract to the contrary entered into with the beneficiary or the Court at the time of accepting the trust, a trustee has no right to remuneration for his trouble, skill and loss of time in executing the trust. 6 Beng. 278.

Nothing in this section applies to any Official Trustee, Administrator General, Public Curator, or person holding a certificate of administration. As to them, see Acts XVII of 1864, II of 1874, XX of 1858, and XX of 1864.

Trustee may not use trust-property for his own profit.

50. A trustee may not use or deal with the trust-property for his own profit or for any other purpose unconnected with the trust.

Trustee for sale or his agent may not buy.

51. No trustee whose duty it is to sell trust-property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, buy the same or any interest therein, on his own account or as agent for a third person.

Trustee may not buy beneficiary's interest without permission.

52. No trustee, and no person who has recently ceased to be a trustee, may, without the permission of a principal Civil Court of original jurisdiction, buy or become mortgagee or lessee of the trust-property or any part thereof;

and such permission shall not be given unless the purchase, mortgage or lease is manifestly for the advantage of the beneficiary.

Trustee for purchase.

And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for the beneficiary may buy it, or obtain a mortgage or lease of it, for himself.

Co-trustees may not lend to one of themselves.

53. A trustee or co-trustees whose duty it is to invest trust-money on mortgage or personal security must not invest it on a mortgage by, or on the personal security of, himself or one of themselves.

CHAPTER VI.

OF THE RIGHTS AND LIABILITIES OF THE BENEFICIARY.

Lewin 576, 585:

Rights to rents and profits.

54. The beneficiary has a right to the rents and profits of the trust-property.

Act I of 1877, s. 12, cl. (*a*).

Right to specific execution.

55. The beneficiary is entitled to have the intention of the author of the trust specifically executed to the extent of the beneficiary's interest;

3 Beng. A. C. J. 409: 3 Beng. O. C. J. 92.

Right to transfer of possession.

and where there is only one beneficiary and he is competent to contract, or where there are several beneficiaries and they are competent to contract and all of one mind, he or they may require the trustee to transfer the possession of the trust-property to him or them, or to such person as he or they may direct: provided that, where the trust is to sell immoveable trust-property and the proceeds are to be divided amongst several persons, particular sharers cannot elect that their own respective undivided shares shall not be sold.

Nothing in the second clause of this section applies to property transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest.

Illustrations.

(*a*). Certain Government securities are given to trustees upon trust to accumulate the interest until A attains the age of 24, and then to transfer the gross amount to him. A on attaining majority may, as the person exclusively interested in the trust-property, require the trustees to transfer it immediately to him.

(*b*). A bequeathes Rs. 10,000 to trustees upon trust to purchase an annuity for B, who has attained his majority and is otherwise competent to contract. B may claim the Rs. 10,000.

(*c*). A transfers certain property to B and directs him to sell or invest it for the benefit of C, who is competent to contract. C may elect to take the property in its original character.

Right to inspect and take copies of instrument of trust, accounts, &c.

56. The beneficiary has a right as against the trustee and all persons claiming under him with notice of the trust to inspect and take copies of the instrument of trust, the documents of title relating solely to the trust-property, the accounts of the trust-property and the vouchers (if any) by which they are supported, and the cases submitted and opinions taken by the trustee for his guidance in the discharge of his duty.

Right to transfer beneficial interest.

57. The beneficiary, if competent to contract, may transfer his interest, but subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of such interest:

Provided that when property is transferred or bequeathed for the benefit of a married woman so that she shall not have power to deprive herself of her beneficial interest, nothing in this section shall authorize her to transfer such interest during her marriage.

Right to sue for execution of trust.

58. Where no trustees are appointed or all the trustees die, disclaim or are discharged, or where for any other reason the execution of a trust by the trustee is or becomes impracticable, the beneficiary may institute a suit for the execution of the trust, and the trust shall, so far as may be possible, be executed by the Court until the appointment of a trustee or new trustee.

Right to proper trustees.

59. The beneficiary has a right (subject to the provisions of the instrument of trust) that the trust-property shall be properly protected and held and administered by proper persons and by a proper number of such persons.

Explanation I.—The following are not proper persons within the meaning of this section:—

A person domiciled abroad: an alien enemy: a person having an interest inconsistent with that of the beneficiary: a person in insolvent circumstances; and, unless the personal law of the beneficiary allows otherwise, a married woman and a minor.

Explanation II.—When the administration of the trust involves the receipt and custody of money, the number of trustees should be two at least.

Illustrations.

(*a*). A, one of several beneficiaries, proves that B, the trustee, has improperly disposed of part of the trust-property, or that the property is in danger from B's being in insolvent circumstances, or that he is incapacitated from acting as trustee. A may obtain a receiver of the trust-property.

(*b*). A bequeathes certain jewels to B in trust for C. B dies during A's lifetime; then A dies. C is entitled to have the property conveyed to a trustee for him.

(*c*). A conveys certain property to four trustees in trust for B. Three of the trustees die B may institute a suit to have three new trustees appointed in the place of the deceased trustees.

(*d*). A conveys certain property to three trustees in trust for B. All the trustees disclaim. B may institute a suit to have three trustees appointed in place of the trustees so disclaiming.

(*e*). A, a trustee for B, refuses to act, or goes to reside permanently out of British India, or is declared an insolvent, or compounds with his creditors, or suffers a co-trustee to commit a breach of trust. B may institute a suit to have A removed and a new trustee appointed in his room.

Right to compel to any act of duty.

60. The beneficiary has a right that his trustee shall be compelled to perform any particular act of his duty as such, and restrained from committing any contemplated or probable breach of trust. Act I of 1877, s. 54.

Illustrations.

(*a*). A contracts with B to pay him monthly Rs. 100 for the benefit of C. B writes and signs a letter declaring that he will hold in trust for C the money so to be paid. A fails to pay the money in accordance with his contract. C may compel B on a proper indemnity to allow C to sue on the contract in B's name.

(*b*). A is trustee of certain land, with a power to sell the same and pay the proceeds to B and C equally. A is about to make an improvident sale of the land. B may sue on behalf of himself and C for an injunction to restrain A from making the sale. Act I of 1877, s. 54, ill. (*f*).

61. Where a trustee has wrongfully bought trust-property, the beneficiary has a right to have the property declared subject to the trust or retransferred by the trustee, if it remains in his hands unsold, or, if it has been bought from him by any person with notice of the trust, by such person. But in such case the beneficiary must repay the purchase-money paid by the trustee, with interest, and such other expenses (if any) as he has properly incurred in the preservation of the property; and the trustee or purchaser must (*a*) account for the net profits of the property, (*b*) be charged with an occupation-rent, if he has been in actual possession of the property, and (*c*) allow the beneficiary to deduct a proportionate part of the purchase-money if the property has been deteriorated by the acts or omissions of the trustee or purchaser.

Wrongful purchase by trustee.

Nothing in this section—

(*a*) impairs the rights of lessees and others who, before the institution of a suit to have the property declared subject to the trust or retransferred, have contracted in good faith with the trustee or purchaser; or

(*b*) entitles the beneficiary to have the property declared subject to the trust or retransferred where he, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, ratified the sale to the trustee with full knowledge of the facts of the case and of his rights as against the trustee.

6 Bomb. O. C. J. 59: I. L. R. 1 Bomb. 237.

62. Where trust-property comes into the hands of a third person inconsistently with the trust, the beneficiary may require him to admit formally, or may institute a suit for a declaration, that the property is comprised in the trust.

Following trust-property—into the hands of third persons;

Where the trustee has disposed of trust-property and the money or other property which he has received therefor can be traced in his hands, or the hands of his legal representative or legatee, the beneficiary has, in respect thereof, rights as nearly as may be the same as his rights in respect of the original trust-property.

into that into which it has been converted.

Exception I.—Nothing in this section entitles the beneficiary to any right in respect of property in the hands of—

As to moveables, see Act IX of 1872, s. 108.

(*a*) a transferee in good faith for consideration without having notice of the trust, either when the purchase-money was paid, or when the conveyance was executed, or

5 W. R. 120: W. R., 1864, p. 225.

(*b*) a transferee for consideration from such a transferee.

A judgment-creditor attaching trust-property is not a transferee for consideration within the meaning of this exception.

Exception II.—Nothing in this section applies to money, currency notes and negotiable instruments in the hands of a *bonâ fide* holder to whom they have passed in circulation, or shall be deemed to affect the Indian Contract Act, 1872, section 108, or the Transfer of Property Act, section 136.

Illustrations.

(*a*). A, a trustee for B of Rs. 10,000, wrongfully invests the Rs. 10,000 in the purchase of certain land. B is entitled to the land.

(*b*.) A, a trustee wrongfully purchases land, in his own name, partly with his own money, partly with money subject to a trust for B. B is entitled to a charge on the land for the amount of the trust-money so misemployed.

63. Where a trustee wrongfully sells or otherwise transfers trust-property and afterwards himself becomes the owner of the property, the property again becomes subject to the trust, notwithstanding any want of notice on the part of intervening transferees in good faith for consideration.

Acquisition by trustee of trust-property wrongfully converted.

64. Where a trustee wrongfully sells trust-property and employs the proceeds in trade or business, the beneficiary may, at his option, charge him either with the principal money and the actual profits arising from such employment or with the principal money and compound interest.

Wrongful employment of trust funds in trade.

65. Where the trustee wrongfully mingles the trust-property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him.

Right in case of blended property.

cf. Contract Act, s. 157.

66. If a partner, being a trustee, wrongfully employs trust-property in the business or on the account of the partnership, no other partner is liable therefor in his personal capacity to the beneficiaries, unless he had notice of the breach of trust.

Wrongful employment by partner-trustee of trust-property for partnership purposes.

The partners having such notice are jointly and severally liable for the breach of trust.

Illustrations.

(*a*). A and B are partners. A dies, having bequeathed all his property to B in trust for Z, and appointed B his sole executor. B, instead of winding-up the affairs of the partnership, retains all the assets in the business. Z may compel him, as partner, to account for so much of the profits as are derived from A's share of the capital. B is also answerable to Z for the improper employment of A's assets.

(*b*). A, a trader, bequeaths his property to B in trust for C, appoints B his sole executor, and dies. B enters into partnership with X and Y in the same trade, and employs A's assets in the partnership-business. B gives an indemnity to X and Y against the claims of C. Here X and Y are jointly liable with B to C as having knowingly become parties to the breach of trust committed by B.

67. Where one of several beneficiaries—

Liability of beneficiary joining in breach of trust.

(*a*) joins in committing breach of trust, or

(*b*) knowingly obtains any advantage therefrom, without the consent of the other beneficiaries, or

(*c*) becomes aware of a breach of trust committed or intended to be committed, and either actually conceals it, or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries, or

(*d*) has deceived the trustee and thereby induced him to commit a breach of trust,

the other beneficiaries are entitled to have all his beneficial interest impounded as against him and all who claim under him (otherwise than as transferees for consideration without notice of the breach) until the loss caused by the breach has been compensated.

Nothing in this section applies to property transferred or bequeathed for the benefit of a married woman, so that she shall not have power to deprive herself of her beneficial interest.

68. Every person to whom a beneficiary transfers his interest has the rights, and is subject to the liabilities, of the beneficiary in respect of such interest at the date of the transfer.

Rights and liabilities of beneficiary's transferee.

CHAPTER VII.

OF VACATING THE OFFICE OF TRUSTEE.

69. The office of a trustee is vacated by his death or by his discharge from his office.

Office how vacated.

2 Spence 920.

70. A trustee may be discharged from his office only as follows:—

Discharge of trustee.

(*a*) by the extinction of the trust;

(*b*) by the completion of his duties under the trust;

(*c*) by such means as may be prescribed by the instrument of trust;

'under express authority conferred by.'

(*d*) by appointment under this Act of a new trustee in his place;

(*e*) by consent of himself and the beneficiary, or, where there are more beneficiaries than one, all the beneficiaries being competent to contract, or

(*f*) by the Court to which a petition for his discharge is presented under this Act.

71. Notwithstanding the provisions of section eleven, every trustee may apply by petition to a principal Civil Court of original jurisdiction to be discharged from his office; and, if the Court finds that there is sufficient reason for such discharge, it may discharge him accordingly, and direct his costs to be paid out of the trust-property. But where there is no such reason, the Court shall not discharge him, unless a proper person can be found to take his place.

Petition to be discharged from trust.

Act XXVIII of 1866, s. 34. 23 & 24 Vic., c. 145, s. 27.

72. Whenever any person appointed a trustee disclaims, or any trustee dies, or is for a continuous period of six months absent from British India, or leaves British India for the purpose of residing abroad, or is declared an insolvent, or desires to be discharged from the trust, or refuses or becomes, in the opinion of a principal Civil Court of original jurisdiction, unfit or personally incapable to act in the trust, or accepts an inconsistent trust, a new trustee may be appointed in his place by—

Appointment of new trustees on death, &c.

(*a*) the person nominated for that purpose by the instrument of trust (if any), or

5 Beng. 184.

(*b*) if there be no such person, or no such person able and willing to act, the author of the trust if he be alive and competent to contract, or the surviving or continuing trustees or trustee for the time being, or legal representative of the last surviving and continuing trustee, or the retiring trustees, if they all retire simultaneously, or the last retiring trustee.

Every such appointment shall be by writing under the hand of the person making it.

The Official Trustee may, with his consent and by the order of the Court, be appointed under this section, in any case in which only one trustee is to be appointed and such trustee is to be the sole trustee.

For the purposes of this section, any refusing or retiring trustee shall, if willing to act in the execution of the power, be considered a continuing trustee.

73. Whenever any such vacancy or disqualification occurs and it is found impracticable to appoint a new trustee under section seventy-two, the beneficiary may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction for the appointment of a trustee or a new trustee, and the Court may appoint a trustee or a new trustee accordingly.

Appointment by Court.

In appointing new trustees, the Court shall have regard (*a*) to the wishes of the author of the trust as expressed in or to be inferred from the instrument of trust; (*b*) to the wishes of the person, if any, empowered to appoint new trustees; (*c*) to the question whether the appointment will promote or impede the execution of the trust, and (*d*) where there are more beneficiaries than one, to the interests of all such benecifiaries.

Rule for selecting new trustees.

74. Whenever any new trustee is appointed under section seventy-two or section seventy-three, all the trust-property for the time being vested in the surviving or continuing trustees or trustee, or in the legal representative of any trustee, shall become vested in such new trustee, either solely or jointly with the surviving or continuing trustees or trustee as the case may require.

Vesting of trust-property in new trustees.

Every new trustee, so appointed, and every trustee appointed by a Court either before or after the passing of this Act, shall have the same powers, authorities and discretions, and shall in all respects act, as if he had been originally nominated a trustee by the author of the trust.

Powers of new trustees.

75. On the death or discharge of one of several co-trustees, the trust survives, and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

Survival of trust.

CHAPTER VIII.

OF THE EXTINCTION OF TRUSTS.

76. A trust is extinguished—

Trust how extinguished.

(*a*) when its purpose is completely fulfilled; or

(*b*) when its purpose becomes unlawful; or

(*c*) when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise; or

(*d*) when the trust, being revocable, is expressly revoked.

77. A trust constituted by will may be revoked at the pleasure of the testator.

Revocation of trust.

A trust otherwise constituted can be revoked only—

(*a*) where all the beneficiaries are competent to contract—by their consent; or

(*b*) where the trust has been declared by a non-testamentary instrument or by word of mouth—in exercise of a power of revocation expressly reserved to the author of the trust.

Jijibhai v. Sonabhai, Bom. 139. N.-W. P., 1870, p. 420.

Illustration.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation. If no communication has been

made to the creditors, A may revoke the trust. But if the creditors are parties to the arrangement, the trust cannot be revoked without their consent.

Revocation not to defeat what trustees have duly done.

78. No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.

CHAPTER IX.

OF CERTAIN OBLIGATIONS IN THE NATURE OF TRUSTS.

Where obligation in nature of trust is created.

79. An obligation in the nature of a trust is created in the following cases.

Where it does not appear that transferor intended to dispose of beneficial interest.

80. Where the owner of property transfers or bequeathes it and it cannot be inferred consistently with the attendant circumstances that he intended to dispose of the beneficial interest therein, the transferee or legatee must hold such property for the benefit of the owner or his legal representative.

Illustrations.

(*a*). A conveys land to B without consideration and declares no trust of any part. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the land. B holds the land for the benefit of A.

(*b*). A conveys to B two fields, Y and Z, and declares a trust of Y, but says nothing about Z. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in Z. B holds Z for the benefit of A.

(*c*). A transfers certain stock into the joint names of himself and B. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the stock during his life. A and B hold the stock for the benefit of A during his life.

(*d*). A makes a gift of certain land to his wife B. She takes the beneficial interest in the land free from any trust in favour of A, for it may be inferred from the circumstances that the gift was for B's benefit.

Transfer to one for consideration paid by another.

81. Where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person did not intend to pay or provide such consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration.

I. L. R. 2 Bom. 410.

Trust incapable of execution or executed without exhausting trust-property.

82. Where a trust is incapable of being executed, or where the trust is completely executed without exhausting the trust-property, the trustee, in the absence of a direction to the contrary, must hold the trust-property, or so much thereof as is unexhausted, for the benefit of the author of the trust or his legal representative.

Illustrations.

(*a*). A conveys certain land to B—
"upon trust," and no trust is declared, or
"upon trusts to be; thereafter declared," and no such declaration is ever made; or
upon trusts that are too vague to be executed; or
upon trusts that become incapable of taking effect.
In each of these cases B holds the land for the benefit of A.

(*b*). A transfers Rs. 10,000 in the four per cents. to B, in trust to pay the interest annually accruing due to C for her life. A dies. Then C dies. B holds the fund for the benefit of A's legal representative.

(*c*). A conveys land to B upon trust to sell it and apply one moiety of the proceeds for certain charitable purposes and the other for the maintenance of the worship of an idol. B sells the land, but the charitable purposes wholly fail, and the maintenance of the worship does not exhaust the second moiety of the proceeds. B holds the first moiety and the part unapplied of the second moiety for the benefit of A or his legal representative.

(*d*). A bequeathes Rs. 10,000 to B, to be laid out in buying land to be conveyed for purposes which either wholly or partially fail to take effect. B holds for the benefit of A's legal representative the undisposed of interest in the money or land if purchased.

Transfer for illegal purpose.

83. Where the owner of property transfers it to another for an illegal purpose and such purpose is not carried into exe ution, or the transferor is not as guilty as the transferee, or the effect of permitting the transferee to retain the property might be to defeat the provisions of any law, the transferee must hold the property for the benefit of the transferor.

Bequest for illegal purpose.

84. Where a testator bequeathes certain property upon trust and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's lifetime the legatee agrees with him to apply the property for an unlawful purpose, the legatee must hold the property for the benefit of the testator's legal representative.

Bequest of which revocation is prevented by coercion.

Where property is bequeathed and the revocation of the bequest is prevented by coercion, the legatee must hold the property for the benefit of the testator's legal representative.

Transfer pursuant to rescindible contract.

85. Where property is transferred in pursuance of a contract which is liable to rescission or induced by fraud or mistake, the transferee must, on receiving notice to that effect, hold the property for the benefit of the transferor, subject to repayment by the latter of the consideration actually paid.

See Act I of 1877, s. 35.

Transfer in fraud of transferor's creditors.

86. Where the effect of a transfer of property is to defraud or delay the present or future creditors of the transferor or co-owners or other persons interested in such property, and the transfer is gratuitous or the transferee has notice of the intended fraud, the transferee must hold the property for their benefit to the extent necessary to satisfy their just demands.

4 Mad. 88: 6 Mad. 474: 2 Ind. Jur. O.S. 7; 13 Eliz. c. 5.

Debtor becoming creditor's representative.

87. Where a debtor becomes the executor or other legal representative of his creditor, he must hold the debt for the benefit of the persons interested therein.

Advantage gained by fiduciary.

88. Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character, gains for himself any pecuniary advantage, or where any person so bound enters into any dealings under circumstances in which his own interests are, or may be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of such other person the advantage so gained.

Act I of 1877, s. 3, ills. (*b*), (*c*), (*e*), (*f*): L. R. 2 Ind. App. 18.

Illustrations.

(*a*). A, an executor, buys at an undervalue from B, a legatee, his claim under the will. B is ignorant of the value of the bequest. A must hold for the benefit of B the difference between the price and value.

(*b*). A, a trustee, uses the trust-property for the purpose of his own business. A holds for the benefit of his beneficiary the profits arising from such user.

(*c*). A, a trustee, retires from his trust in consideration of his successor paying him a sum of money. A holds such money for the benefit of his beneficiary.

(*d*). A, a partner, buys land in his own name with funds belonging to the partnership. A holds such land for the benefit of the partnership.

(*e*). A, a partner, employed on behalf of himself and his co-partners in negotiating the terms of a lease, clandestinely stipulates with the lessor for payment to himself of a lákh of rupees. A holds the lákh for the benefit of the partnership.

(*f*). A and B are partners. A dies. B, instead of winding up the affairs of the partnership, retains all the assets in the business. B must account to A's legal representative for the profits arising from A's share of the capital.

(*g*). A, an agent employed to obtain a lease for B, obtains the lease for himself. A holds the lease for the benefit of B.

(*h*). A, a guardian, buys up for himself incumbrances on his ward B's estate at an undervalue. A holds for the benefit of B the incumbrances so bought, and can only charge him with what he has actually paid.

Advantage gained by exercise of undue influence.

89. Where by the exercise of undue influence any advantage is gained in derogation of the interests of another, the person gaining such advantage without consideration or with notice that such influence has been exercised must hold the advantage for the benefit of the person whose interests have been so prejudiced.

Act I of 1877, s. 3, ill. (*d*), Cf. 5 Beng. 458, mortgagee buying equity of redemption.

Advantage gained by qualified owner.

90. Where a tenant for life, co-owner, mortgagee or other qualified owner of any property, by availing himself of his position as such, gains an advantage in derogation of the rights of the other persons interested in the property, or where any such owner, as representing all persons interested in such property, gains any advantage, he must hold, for the benefit of all persons so interested, the advantage so gained, but subject to repayment by such persons of their due share of the expenses properly incurred, and to an indemnity by the same persons against liabilities properly contracted, in gaining such advantage.

Illustrations.

(*a*). A, the tenant for life of leasehold property, renews the lease in his own name and for his own benefit. A holds the renewed lease for the benefit of all those interested in the old lease.

(*b*). A village belongs to a Hindú family. A, one of its members, pays nazráná to Government and thereby procures his name to be entered as the inámdár of the village. A holds the village for the benefit of himself and the other members.

(*c*). A mortgages land to B, who enters into possession. B allows the Government revenue to fall into arrear with a view to the land being put up for sale and his becoming himself the purchaser of it. The land is accordingly sold to B. Subject to the repayment of the amount due on the mortgage and of his expenses properly incurred as mortgage, B holds the land for the benefit of A.

10 Moo. I. A. 322: 14 Moo. I. A 205

Act I of 1877, s. 3, ills. (*g*), (*h*).

Property acquired with notice of existing contract.

91. Where a person acquires property with notice that another person has entered into an existing contract affecting that property, of which specific performance could be enforced, the former must hold the property for the benefit of the latter to the extent necessary to give effect to the contract.

Purchase by person contracting to buy property to be held on trust.

92. Where a person contracts to buy property to be held on trust for certain beneficiaries and buys the property accordingly, he must hold the property for their benefit to the extent necessary to give effect to the contract.

Advantage secretly gained by one of several compounding creditors.

93. Where creditors compound the debts due to them, and one of such creditors, by a secret arrangement with the debtor, gains an undue advantage over his co-creditors, he must hold for the benefit of such creditors the advantage so gained.

Constructive trusts in cases not expressly provided for.

94. In any case not coming within the scope of any of the preceding sections, where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof (as the case may be), to the extent necessary to satisfy their just demands.

Illustrations.

(*a*). A, an executor, distributes the assets of his testator B to the legatees without having paid the whole of B's debts. The legatees hold for the benefit of B's creditors to the extent necessary to satisfy their just demands, the assets so distributed.

(*b*). A by mistake assumes the character of a trustee for B, and under colour of the trust receives certain moneys. B may compel him to account for such moneys.

(*c*). A makes a gift of a lákh of rupees to B, reserving to himself, with B's assent, power to revoke at pleasure the gifts as to Rs. 10,000. The gift is void as to Rs. 10,000, and B holds that sum for the benefit of A.

Obligor's duties, liabilities and disabilities.

95. The person holding property in accordance with any of the preceding sections of this chapter must, so far as may be, perform the same duties, and is subject, so far as may be, to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it:

Provided that, (*a*) where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill and loss of time in such cultivation or employment; and (*b*) where he holds the property by virtue of a contract with the person for whose benefit he holds it, or with any one through whom such person claims, he may, without the permission of the Court, buy or become lessee or mortgagee of the property or any part thereof.

Saving of rights of *bonâ fide* purchasers.

96. Nothing contained in this chapter shall impair the rights of transferees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

THE SCHEDULE.

STATUTES.

Number and year.	Short title.	Extent of repeal.
13 Eliz. c. 5 ...	An Act against fraudulent deeds, gifts, alienations, &c.	The whole.
29 Car. II, c. 3 ...	The Statute of Frauds.	Sections 7, 8, 9, 10 and 11.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
XXVIII of 1866 ...	The Trustees and Mortgagees' Powers Act, 1866	Sections 2, 3, 4, 5, 32, 33, 34, 35, 36 and 37. In sections 39 and 43, the word "trustee" wherever it occurs; and in section 43 the words "management or" and "the trust-property or."
I of 1877 ...	The Specific Relief Act, 1877 ...	In section 12, the first illustration.

STATEMENT OF OBJECTS AND REASONS.

TRUSTS, in the strict sense in which that term is used by English lawyers, that is to say, confidences to the existence of which a 'legal' and an 'equitable' estate are necessary, are unknown to Hindú and Muhammadan law. But trusts in the wider sense of the word, that is to say, obligations annexed to the ownership of property which arise out of a confidence reposed in and accepted by the owner for the benefit of another, are constantly created by the natives of India and are frequently enforced by our Courts. "There is, probably," says Mr. Justice Phear (4 Ben. O. C. J. 134), "no country in the world where fiduciary relations exhibit themselves so extensively and in such varied forms as in India, and possession of dominion over property, coupled with the obligation to use it, either wholly or partially, for the benefit of others than the possessor, is, I imagine, familiar to every Hindú." So, too, in the case of Muhammadans, where a woman is entitled to a share of her deceased father's estate in the hands of her brother (W. R. 1864, p. 377), or to exigible dower in the hands of her husband (6 W. R. 111). Trusts created by an old man for his own maintenance and ulterior purposes, for a widow, for a daughter, step-daughter or daughter-in-law and her children, are of pretty frequent occurrence amongst the natives, whether Hindú or Muhammadan, and it is desirable to keep them free from the complication of double estates in which, without the intervention of the legislature, they are certain to become entangled. But apart from the native property-holder, there is the large body of domiciled Europeans and Eurasians who have for nearly a century enjoyed and taken advantage of a trust-law recognised by our Courts: the number and wealth of this class have increased, and in suits between members of this community every Court in the country may be called upon to administer a trust-law. Nevertheless, with the exception of certain provisions in the Penal Code, the Specific Relief Act, the Code of Civil Procedure and the Limitation Act, the Indian Statute-book is silent on the subject so far as regards the bulk of the population; for the Statute of Frauds, sections 7 to 11, is in force only in the Presidency-towns, and the rules contained in Acts XXVII and XXVIII of 1866 extend only to cases to which English law is applicable, and are, in themselves, incomplete.

The object of the present Bill is to codify the law relating to trusts in the wider sense above described: but it saves the rules of Muhammadan law as to *waqf*, and the mutual relations of the members of an undivided family. And it leaves untouched religious and charitable endowments established by Hindús and Buddhists, as being matters in which the legislature cannot at present usefully interfere further or otherwise than has been done by Act XX of 1863.

With the few exceptions mentioned in this Statement, the rules contained in the Bill are substantially those now administered by English Courts of Equity and (under the name of 'justice, equity and good conscience') by the Courts of British India.

The Bill distributes the subject under the following heads: I, Preliminary: II, the creation of trusts: III, the duties and liabilities of trustees: IV, their rights and powers: V, their disabilities: VI, the rights and liabilities of the beneficiary: VII, vacating the office of trustee: VIII, the extinction of trusts; and IX, certain obligations of the nature of trusts.

The preliminary chapter, in order to prevent the introduction of conceptions resembling the English legal estate and equitable ownership, defines the interest of the beneficiary as *his right against the trustee* as owner of the property. The beneficiary has, under the Bill, no estate or interest in the subject-matter of the trust. The Bill also defines 'breach of trust' as a breach of any duty imposed on a trustee, as such, by any law for the time being in force, and declares that a person has 'notice' of a fact when he actually knows that fact, or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information is given to, or obtained by, his agent under the circumstances mentioned in the Contract Act, section 229.

The second chapter deals with the creation of trusts. It declares that a trust may be created for any 'lawful purpose,' and, as there is a general analogy between a trust and a contract, the Bill defines such purpose to be lawful in the cases in which the Indian Contract Act, section 23, declares the object of an agreement to be lawful. An explanation shews that, where the trust-property is land situate in a foreign country, the trust, to be valid, must not create an estate not recognized by the law of that country.

The expediency of excluding oral declarations of trust has long been felt in the case of land, and the Bill (section 5) lays down, in general accordance with the seventh section of the Statute of Frauds, that no trust in relation to *immoveable* property is valid, unless declared (*a*) by a non-testamentary instrument in writing signed by the author of the trust or the trustee and registered, or (*b*) by the will of the author of the trust, or of the trustee, and that no trust in relation to *moveable* property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee. Theoretically, this will modify the Hindú law, which in no transaction absolutely requires a writing (2 Mad. H. C. Rep. 39); but trusts by merely verbal declarations are as rarely met with as mortgages by merely verbal agreements: the proposed change will therefore in practice make no alteration in that law. The rule will not apply where it would operate so as to effectuate a fraud, as, for example, where a father having power to bequeath certain land is induced not to make a will of that land by the promise of his heir-presumptive that he will provide thereout for his relatives.

Section 8 declares that the subject-matter of a trust must be property transferable to the beneficiary, and that it must not be a merely beneficial interest under a subsisting trust. The object of the latter provision is to preclude the complications that would arise from allowing a trust upon a trust.

Section 9 declares that every person capable of holding property may be a beneficiary. As, under Act I of 1868, 'person' includes a corporation, the Bill here varies from English law. But the variation is intentional, as it has been more than once ruled that the Mortmain Statutes are not in force in India.

Chapter III deals with a trustee's duties and liabilities. None of the rules here contained call for remark except sections 20 and 23. Section 20 gives a list of the securities on which alone a trustee may invest trust-funds. The necessity for some such provision has been indicated by the High Court of Bombay in *DeSouza* v. *DeSouza*, 12 Bom. 184. Investments on mortgages of leaseholds for years are forbidden, unless, of course, such securities are expressly authorized by the instrument of trust. In England, no doubt, trustees authorized to lend on a mortgage of realty may invest on a long term of years at a peppercorn rent. But in this country such terms are practically unknown. Section 20 also allows a trustee to deposit a trust-fund not exceeding Rs. 1,000 in a Government Savings Bank, and to invest on mortgage of land already pledged as security for an advance under the Land Improvement Act, 1871. A power like the latter is conferred in England by 27 & 28 Vic., cap. 114, section 161. Section 23 declares the measure of the trustee's liability in case of a breach of trust, and embodies, as illustrations, the rules on which Courts of Equity act where trust-property improperly left outstanding is lost, or where a trustee retains money which should be invested, or neglects a direction to invest, or to accumulate, or improperly sells trust-securities, or is guilty of unreasonable delay in investing trust-funds or in paying them to the beneficiary.

Chapter IV treats of the rights and powers of trustees. It embodies the substance of Act XXVIII of 1866, sections 2, 3, 5, 32, 33, 36, 37, 39 and 43. Section 34 of the Bill empowers trustees to apply, not only to High Court Judges, but to District Judges, for advice on simple questions respecting the management and administration of the trust-property. Under section 36, which deals with the general authority of a trustee, trustees will be able (unless restrained from doing so by the instrument of trust) to grant reasonable agricultural leases, thin timber and otherwise act for the benefit of the trust. Except with the permission of the Court, no trustee will be able to lease trust-property for a term exceeding 21 years.

Chapter V deals with disabilities of the trustees. The only section here calling for remark is 52, which declares that no trustee, and no person who has recently ceased to be a trustee, may, without the permission of the Court, buy the interest of the beneficiary in the trust-property, and that such permission shall not be given unless the purchase is manifestly for the benefit of the latter. The Bill here deviates from the present law, according to which a trustee is allowed to buy trust-property from his beneficiary if the latter is *sui juris* and the former can shew that the relation of trustee and beneficiary was, at the time of the purchase, virtually dissolved, and that the fullest information and every advantage were given to the beneficiary. Such a rule seems too vague for insertion in a Code intended to be worked, for the most part, by unprofessional Judges; it has, moreover, been disapproved in *Morse* v. *Royal*, 12 Ves. 372.

In the next chapter—of the rights and liabilities of the beneficiary—the only sections requiring special notice are sections 58 and 62. The former provides for the execution of trusts by the Court, and makes no distinction between the cases where the declaration of trust is complete and those where the trust is executory, *i.e.*, where the declaration of trust is intended to be perfected at some future period.

The latter section declares that all persons taking immoveable trust-property inconsistently with the trust hold it subject to the trust, except (*a*) purchasers in good faith for consideration without notice of the trust, and (*b*) purchasers for consideration from such purchasers. This agrees with the English rule which, to prevent stagnation of property, exempts from the trust a purchaser with notice from an innocent purchaser without notice, who has got the legal estate.

Chapter VII treats of vacating the office of trustee, and, incidentally, deals with the appointment of new trustees, and declares that, on the death or discharge of one of several co-trustees, the trust survives and the trust-property passes to the others, unless the instrument of trust expressly declares otherwise.

Chapter VIII treats of the extinction of trusts and, incidentally, of their revocation.

Where no trust is declared, but for the purposes of justice the law deems one to have been created, the trust is by English lawyers termed constructive. *Benámi* transactions, where property is transferred to A for a consideration paid by B, and B makes the payment for his own benefit, have for centuries been familiar to the people of India: gains made by one person at the cost of another are an everyday source of litigation; and in no country, owing to the extreme sub-division of immoveable property and the partition of inheritances, are constructive trusts more common.[a] Chapter IX avoids the fiction implied in the term 'constructive trusts' by treating such confidences as obligations in the nature of trusts properly so called. It specifies the fourteen principal cases in which such an obligation arises, as follows:—

1. Where it does not appear that the transferor of property intended to dispose of the beneficial interest (section 80):
2. Where property is transferred to one person for a consideration paid by another (section 81):

[a] As to these trusts, Mr. Coghlan, a District Judge in the Bombay Presidency, writes as follows:—"Cases of constructive trusts are continually arising in all civil Courts [in the Mufassal], and are treated on the general principles of equity as fixed by case-made law."

3. Where the trust is incapable of execution or is executed without exhausting the property (section 82):
4. Where a transfer of property is made for an illegal purpose (section 83):
5. Where a bequest is made for an illegal purpose, or where the revocation of a bequest is forcibly prevented (section 84):
6. Where a transfer is made in pursuance of a rescindible contract (section 85):
7. Where a transfer is made in fraud of the transferor's creditors (section 86):
8. Where a debtor becomes his creditor's legal representative (section 87):
9. Where a pecuniary advantage is gained by a person in a fiduciary character (section 88):
10. Where an advantage is gained by the exercise of undue influence (section 89):
11. Where an advantage is gained by a tenant for life or other qualified owner in derogation of the rights of other persons interested in the property (section 90):
12. Where property is acquired with notice of an existing contract affecting it (section 91):
13. Where a person contracts to buy property to be held on trust (section 92):
14. Where one of several compounding creditors, by a secret arrangement with the debtor, gains an advantage over his co-creditors (section 93).

The Bill also contains a general clause (sec. 94) providing for cases not so specified. It is believed that this clause will cover that form of constructive trust which the Panjáb Courts have held to arise when a co-sharer in a village community absents himself without expressly abandoning his rights.

The Bill declares that, in the case of all obligations in the nature of a trust, the obligor shall be subject to the liabilities and (with the two exceptions mentioned in section 95) to the disabilities of an ordinary trustee.

Three only of the obligations above specified seem to require further notice. The Bill, it will be seen, does not attempt to suppress the inveterate practice of entering into *benámi* transactions, and it must be admitted that in many, perhaps most, of these transactions the parties are actuated by religious or prudential, rather than fraudulent, motives. Section 81, accordingly, declares that, where property is transferred to one person for a consideration paid by another, and it appears that the latter did not intend to pay the consideration for the benefit of the former, the transferee must hold the property for the benefit of the person paying. Resulting trusts, *i.e.*, those that arise where an interest is given for purposes to which the trust is not commensurate (as, for instance, to pay debts which are satisfied, or an annuity which expires), are treated (section 82) as constructive, for here there is no declaration of trust as to the portion of the trust-property which is not required for the purpose declared. Section 86 corresponds with 13 Eliz., c. 5, as to settlements intended to defraud creditors. That Statute is in force in the Presidency-towns, and its principle has been held by the Madras High Court (4 Mad. 88) to apply to Natives in the mufassal.

Where a person gives property to charitable purposes, and either specifies no objects or such as do not exhaust the proceeds, the law, as it stands, does not suffer the property or its surplus to result to the donor or his legal representative; but the Court takes upon itself to execute the donor's intention by declaring the particular purposes to which the fund shall be applied. A similar exception is made when the purposes of the gift at the time exhaust the whole proceeds, but in consequence of an increase in the value of the property an excess of income subsequently arises. The Bill ignores these exceptions, which were introduced when the law of resulting trusts was imperfectly understood, and which unfairly disregard the interest of the legal representative.

Lastly, it may be remarked that the Bill contains no provisions as to the presumption against trustees that advantages gained by them from their beneficiaries are gained by undue influence, or as to the escheat of a beneficiary's interest. The former matter is sufficiently provided for by the Evidence Act, I of 1872, section 111, the latter, by the Succession Act, X of 1865, and the general law as to *bona vacantia*.

The Bill is now published as settled by the Indian Law Commission[1] and in accordance with the Legislative despatch of the Secretary of State, No. 37, dated 7th October, 1880.

SIMLA;
6th November, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

[1] The short title and commencement of the proposed Act have been altered: sections 54 and 55 (which overlapped) have been amended; and in the first Explanation to section 59, the word "allows" has been substituted for "provides."

[Third publication.]

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 22nd of the Rules for the conduct of the Legislative business of the Council of the Governor General:—

THE INDIAN EASEMENTS BILL, 1880.

CONTENTS.

PREAMBLE.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Savings.
3. Repeal of Act XV of 1877, sections 26 and 27.

CHAPTER I.—OF EASEMENTS GENERALLY.

4. "Easement" defined.
   Dominant and servient heritages and owners.
5. Affirmative easements.
   Negative easements.
6. Continuous and discontinuous, apparent and non-apparent, easements.
7. Easement for limited time or on condition.
8. Easements restrictive of certain rights.
   (a) Exclusive right to enjoy.
   (b) Rights to advantages arising from situation.

CHAPTER II.—THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

9. Who may impose easements.
10. Servient owners.
11. Lessor and mortgagor.
    Lessee.
12. Who may acquire easements.
13. Easements of necessity and *quasi*-easements.
14. Direction of way of necessity.
15. Acquisition by prescription.
16. Exclusion in favour of reversioner of servient heritage.
17. Rights which cannot be acquired by prescription.
18. Customary easements.
19. Transfer of dominant heritage passes easement.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

20. Rules controlled by contract or title.
    Incidents of customary easements.
21. Bar to use unconnected with enjoyment.

SECTIONS.

22. Exercise of easement.
    Confinement of exercise of easement.
23. Right to alter mode of enjoyment.
24. Right to do acts to secure enjoyment.
    Accessory rights.
25. Liability for expenses necessary for preservation of easement.
26. Liability for damage from want of repair.
27. Servient owner not bound to do anything.
28. Extent of easements.
    Easement of necessity.
    Other easements—
    (a) right of way;
    (b) right to light or air acquired by grant;
    (c) prescriptive right to light orair;
    (d) prescriptive right to pollute air and water.
    (e) other prescriptive rights.
29. Increase of easement.
30. Partition of dominant heritage.
31. Obstruction in case of excessive user.

CHAPTER IV.—THE DISTURBANCE OF EASEMENTS.

32. Right to enjoyment without disturbance.
33. Suit for disturbance of easement.
34. When cause of action arises for removal of support.
35. Polluting air and water previously impure.
36. Suit for continuing disturbance.
37. Injunction to restrain disturbance.
38. Abatement of obstruction of easement.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

39. Extinction by dissolution of right of servient owner.
40. Extinction by release.
41. Extinction by revocation.
42. Extinction on expiration of limited period or happening of dissolving condition.
43. Extinction on termination of necessity.
44. Extinction of useless easement.
45. (a) Extinction by substantial change of dominant heritage.
    (b) Extinction by material and permanent increase of burden.
46. Extinction on permanent alteration of servient heritage by superior force.
47. Extinction by destruction of either heritage.
48. Extinction by unity of ownership.
49. Extinction by non-user.
50. Extinction of accessory rights.
51. Suspension of easement.
52. Servient owner not entitled to require continuance.
    Compensation for damage caused by extinguishment.
53. Revival of easements.

CHAPTER VI.—LICENSES.

54. "License" defined.
55. Who may grant license.
56. Grant may be express or implied.
57. Accessory licenses annexed by law.
58. License when transferable.
59. Grantor's duty to disclose defects.

60. Grantor's duty not to render property unsafe.
61. Grantor's transferee not bound by license.
62. License when revocable.
63. Revocation express or implied.
64. License when deemed revoked.
65. Licensee's rights on revocation.
66. Licensee's rights on eviction.

A Bill to define and amend the law relating to Easements and Licenses.

Preamble.

WHEREAS it is expedient to define and amend the law relating to Easements and Licenses; It is hereby enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Indian Easements Act, 1882":

Local extent.

It extends to the whole of British India except the Scheduled Districts;

Commencement.

and it shall come into force on the first day of March, 1882.

Savings.

2. Nothing herein contained shall be deemed to affect—

(*a*) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, and of natural lakes and ponds, or of the water flowing, collected, retained or distributed in or by any channel or other work constructed at the public expense for irrigation;

(*b*) any customary or other right (not being a license) in or over immoveable property which the Government, the public or any person may possess irrespective of other immoveable property;

(*c*) any right acquired, or arising out of a relation created, before this Act comes into force; or

(*d*) any law not hereby expressly repealed.

Repeal of Act XV of 1877, sections 26 and 27.

3. Sections 26 and 27 of the Indian Limitation Act, 1877, and the definition of 'easement' contained in that Act, are hereby repealed. All references to the said sections, or to sections 27 and 28 of Act No. IX of 1871, shall be read as made to sections fifteen and sixteen of this Act.

CHAPTER I.—OF EASEMENTS GENERALLY.

"Easement" defined.

4. An easement is a right which the owner or occupier of certain land possesses as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own.

Dominant and servient heritages and owners.

The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner: the land on which the liability is imposed is called the servient heritage, and the owner thereof the servient owner.

Explanation.—In the first and second clauses of this section, the expression 'land' includes also things permanently attached to the earth: the expression 'beneficial enjoyment' includes also possible convenience, remote advantage, and even a mere amenity; and the expression 'to do something' includes removal and appropriation by the dominant owner, for the beneficial enjoyment of the dominant heritage, of any part of the soil of the servient heritage or anything growing or subsisting thereon.

Illustrations.

(*a*) A, as the owner of a certain house, has a right of way thither over his neighbour B's land for purposes connected with the beneficial enjoyment of the house. This is an easement.

(*b*) A, as the owner of a certain house, has the right to go on his neighbour B's land, and to take water for the purposes of his household out of a spring therein. This is an easement.

(*c*) A, as the owner of a certain house, has the right to conduct water from B's stream to supply the fountains in the garden attached to the house. This is an easement.

(*d*) A, as the owner of a certain house and farm, has the right to graze a certain number of his own cattle on B's field, or to take, for the purpose of being used in the house, by himself, his family, guests, lodgers and servants water or fish out of C's tank, or timber out of D's wood, or to use, for the purpose of manuring his land, the leaves which have fallen from the trees on E's land. These are easements.

(*e*) A dedicates to the public the right to occupy the surface of certain land for the purpose of passing and repassing. This right is not an easement.

(*f*) A is bound to cleanse a watercourse running through his land and keep it free from obstruction for the benefit of B, a lower riparian owner. This is not an easement.

Affirmative easements. Negative easements.

5. Easements are either affirmative or negative. An affirmative easement is one authorizing the dominant owner to do in, upon, or in respect of, the servient heritage something for the beneficial enjoyment of the dominant heritage. A negative easement is one binding the servient owner to refrain, for the beneficial enjoyment of the dominant heritage, from doing something in, upon, or in respect of, the servient heritage.

Illustrations.

The following are affirmative easements:—

(*a*) A right of way annexed to A's house over B's land.

(*b*) An easement annexed to A's land to conduct water across B's land by an artificial watercourse.

(*c*) An easement annexed to A's house to discharge water by a spout or conduit, or projecting eaves, on B's land.

(*d*) An easement annexed to A's farm to go to his neighbour B's tank to water A's cattle, or to B's well to draw water for use of A's household.

(*e*) An easement annexed to A's land to throw back, upon the lands of riparian owners higher up a natural stream, water which, unless so thrown back, would pass from such lands.

(*f*) An easement annexed to A's land to discharge the water of a natural stream upon B's land lying lower down the stream, either polluted or, with the force of its natural current, increased or diminished.

(*g*) An easement annexed to A's dock to place the vessels therein so that their bowsprits project over B's wharf.

(*h*) An easement annexed to A's house to burn corpses on B's land.

(*i*) An easement annexed to A's land to thresh grain on B's field.

The following are negative easements:—

(*j*) An easement annexed to B's house to receive light and air by its windows without obstruction by his neighbour A. This binds A to refrain, for the beneficial enjoyment of B's house, from exercising his right to build on his own land.

(*k*) An easement annexed to A's land encumbered by buildings, to receive the support of his neighbour B's soil. This binds B to refrain, for the beneficial enjoyment of A's land, from exercising his right to excavate his own soil.

(*l*) An easement annexed to A's house to insert beams in, or to place beams on, his neighbour B's wall. This binds B to refrain, for the beneficial enjoyment of A's house, from exercising his right to pull down his own wall.

N.-W. P. (1867), p. 191.

(*m*) An easement annexed to A's house to discharge the rain running from its roof upon his neighbour B's land. This binds B to refrain, for the beneficial enjoyment of A's house, from exercising his right to build on his own land so as to prevent the discharge.

(*n*) A customary easement annexed to B's house to restrain his neighbour A from opening doors or windows in such a position as to command a view into B's housetop or courtyard. This binds A to refrain, for the beneficial enjoyment of B's house, from exercising his right to make openings in his own walls of such a character as to interfere with B's privacy.

Continuous and discontinuous, apparent and non-apparent, easements.

6. Easements are either continuous or discontinuous, apparent or non-apparent.

A continuous easement is one whose exercise is, or may be, continual without the act of man.

A discontinuous easement is one that needs the act of man for its exercise.

Pyer v. *Carter*, 1 H. & N. 922.

An apparent easement is one that has some permanent sign of its existence, which, upon careful inspection by a competent person, would be visible to him.

A non-apparent easement is one that has no such sign.

Illustrations.

(*a*) A right annexed to B's house to receive light by the windows without obstruction by his neighbour A. This is a continuous easement.

(*b*) A right of way annexed to A's house over B's land. This is a discontinuous easement.

(*c*) Rights annexed to A's land to lead water thither across B's land by an aqueduct and to draw off water thence by a drain. The drain would be discovered upon careful inspection by a person conversant with such matters. These are apparent easements.

(*d*) A right annexed to A's house to prevent B from building on his own land. This is a non-apparent easement.

Easement for limited time or on condition.

7. An easement may be permanent, or for a term of years or other limited period, or subject to periodical interruption, or exercisable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, or on condition that it shall commence or become void or voidable on the happening of a specified event or the performance or non-performance of a specified act.

Easements restrictive of certain rights.

8. Easements are restrictions of one or other of the following rights (namely):—

Exclusive right to enjoy.

(*a*) the exclusive right of every owner of immoveable property (subject to any law for the time being in force) to enjoy and dispose of the same and all products thereof and accessions thereto:

Rights to advantages arising from situation.

(*b*) the right of every owner of immoveable property (subject to any law for the time being in force) to enjoy without disturbance by another the natural advantages arising from its situation.

Illustrations.

(*a*) The exclusive right of every owner of land in a town to build thereon, subject to any municipal law for the time being in force. N.-W. P. (1870), pp. 169, 182.

(*b*) The right of every owner of land that the air passing thereto shall not be unreasonably polluted by other persons.

(*c*) The right of every owner of a house that his physical comfort shall not be interfered with materially and unreasonably by noise or vibration caused by any other person. Recognized by the High Court, N.-W. P., No. 1143 of 1878, 28th November, 1878, *Mahadeo Misser* v. *Phaikoo Singh*.

(*d*) The right of every owner of land to so much light and air as pass vertically thereto.

(*e*) The right of every owner of land that such land, in its natural condition, shall have the support naturally rendered by the subjacent and adjacent soil of another person.

Explanation.—Land is in its natural condition when it is not excavated and not subjected to artificial pressure; and the "subjacent and adjacent soil" mentioned in this illustration means such soil only as in its natural condition would support the dominant heritage in its natural condition. *Mayor of Birmingham* v. *Allen*, 46. L. J. Ch.

(*f*) The right of every owner of land that, within his own limits, the water which naturally passes or percolates by, over or through his land, shall not, before so passing or percolating, be unreasonably polluted by other persons.

(*g*) The right of every owner of land to collect, and dispose, within his own limits, of, all water under the land and all water on its surface which does not pass in a defined channel. Marshall 506.

(*h*) The right of every owner of land that the water of every natural stream which passes by, through or over his land in a defined natural channel shall be allowed by other persons to flow within such owner's limits without interruption and without material alteration in quantity, direction, force or temperature: the right of every owner of land abutting on a natural lake or pond, into, or out of, which a natural stream flows, that the water of such lake or pond shall be allowed by other persons to remain within such owner's limits without material alteration in quantity or temperature. L. R. 6 Ind. App. 33: 8 W. R. 218: 13 W. R. 48: 8 W. R. 525.

(*i*) The right of every owner of upper land that water naturally rising in, or falling on, such land, and not passing in defined channels, shall be allowed by the owner of adjacent lower land to run naturally thereto. 20 W. R. 287.

(*j*) The right of every owner of land abutting on a natural stream, lake or pond to use and consume its water for drinking, household purposes and watering his cattle and sheep; and the right of every such owner to use and consume the water for irrigating such land, and for the purposes of any manufactory situate thereon, provided that he does not thereby cause material injury to other like owners. 11 W. R. 254.

Explanation.—A natural stream is a stream, whether permanent or intermittent, tidal or tideless, on the surface of land or underground, which flows by the operation of nature only and in a natural and known course.

CHAPTER II.—THE IMPOSITION, ACQUISITION AND TRANSFER OF EASEMENTS.

Who may impose easements.

9. An easement may be imposed by any one in the circumstances and to the extent in and to which he may transfer his interest in the servient heritage.

Illustrations.

(*a*) A is tenant of B's land under a lease for an unexpired term of twenty years, and has power to transfer his interest under the lease. A may impose an easement on the land to continue during the time that the lease exists or for any shorter period.

(*b*) A is tenant for his life of certain land with remainder to B absolutely. A cannot, unless with B's consent, impose an easement thereon which will continue after the determination of his life-interest.

(*c*) A, B and C are co-owners of certain land. A cannot without the consent of B and C impose an easement on the land or on any part thereof.

(*d*) A and B are lessees of the same lessor, A of a field X for term of five years, and B of a field Y for a term of ten

years. A's interest under his lease is transferable; B's is not. A may impose on X, in favour of B, a right of way terminable with A's lease.

(*e*) A is the trustee of certain land for the benefit of B. A cannot, without the consent of B, impose an easement on the trust property.

Servient owners.

10. Subject to the provisions of section nine, a servient owner may impose on the servient heritage any easement that does not lessen the utility of the existing easement. But he cannot, without the consent of the dominant owner, impose an easement on the servient heritage which would lessen such utility.

Illustrations.

(*a*) A has, in respect of his mill, a right to the uninterrupted flow thereto, from sunrise to noon, of the water of B's stream. B may grant to C the right to divert the water of the stream from noon to sunset: provided that A's supply is not thereby diminished.

(*b*) A has, in respect of his house, a right of way over B's land. B may grant to C, as the owner of a neighbouring farm, the right to feed his cattle on the grass growing on the way: provided that A's right of way is not thereby obstructed.

Lessor and mortgagor.

11. Subject to the provisions of section nine, a lessor may impose, on the property leased, any easement that does not derogate from the rights of the lessee as such, and a mortgagor may impose, on the property mortgaged, any easement that does not render the security insufficient within the meaning of the Transfer of Property Act, section 65. But a lessor or mortgagor cannot, without the consent of the lessee or mortgagee, impose any other easement on such property, unless it be to take effect on the termination of the lease or the redemption of the mortgage.

Lessee.

No lessee or other person, having a derivative interest, may impose on the property held by him as such an easement to take effect after the expiration of his own interest or in derogation of the right of the lessor or the superior proprietor.

Who may acquire easements.

12. An easement may be acquired by the owner of the dominant heritage, or, on his behalf, by any person in possession of the same.

One of two or more co-owners may, with or without the consent of the other or others, acquire an easement for the beneficial enjoyment of the heritage held in co-ownership.

7 Mad. 64.

No lessee of immoveable property can acquire for the beneficial enjoyment of other immoveable property of his own an easement in or over the property comprised in his lease.

Easements of necessity and *quasi*-easements.

13. Where one person transfers or bequeaths immoveable property to another,—

Mayor of London v. *Biggs*, 49 L. J. Chan. Div. 207.

(*a*) if an easement in other immoveable property of the transferor or testator is absolutely necessary for enjoying the subject of the transfer or bequest, as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall be entitled to such easement; or

Morgan v. *Kirby*, I. L. R. 2 Mad. 46.

(*b*) if such an easement is apparent and continuous and necessary for enjoying the said subject as it was enjoyed when the transfer or bequest took effect, the transferee or legatee shall, unless a different intention is expressed or necessarily implied, be entitled to such easement;

(*c*) if an easement in the subject of the transfer or bequest is absolutely necessary for enjoying other immoveable property of the transferor or testator, as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall be entitled to such easement; or

(*d*) if such an easement is apparent and continuous and necessary for enjoying the said property as it was enjoyed when the transfer or bequest took effect, the transferor, or the legal representative of the testator, shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

Where a partition is made of the joint property of several persons,— 8 Bom. 181.

(*e*) if an easement over the share of one of them is absolutely necessary for enjoying the share of another of them as it was enjoyed when the partition took effect, the latter shall be entitled to such easement, or

(*f*) if such an easement is apparent and continuous and necessary for enjoying the share of the latter as it was enjoyed when the partition took effect, he shall, unless a different intention is expressed or necessarily implied, be entitled to such easement.

The easements mentioned in this section, clauses (*a*), (*c*) and (*e*), are called easements of necessity.

Where immoveable property passes by operation of law, the persons from and to whom it so passes are, for the purpose of this section, to be deemed, respectively, the transferor and transferee.

Illustrations.

(*a*) A sells B a field then used for agricultural purposes only. It is inaccessible except by passing over A's adjoining land, or by trespassing on the land of a stranger. B is entitled to a right of way, for agricultural purposes only, over A's adjoining land to the field sold.

(*b*) A, the owner of two fields, sells one to B, and retains the other. The field retained was at the date of the sale used for agricultural purposes only and is inaccessible except by passing over the field sold to B. A is entitled to a right of way, for agricultural purposes only, over B's field to the field retained.

(*c*) A grants B the minerals under a certain field belonging to A. B is entitled, if there is no other way by which he can lawfully gain the minerals, to dig through the surface of the field and to carry the minerals over it.

(*d*) A sells B a house, with windows overlooking A's land, which A retains. The light which passes over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. B is entitled to the light, and A cannot afterwards obstruct it by building on his land.

(*e*) A sells B a house, with windows overlooking A's land. The light passing over A's land to the windows is necessary for enjoying the house as it was enjoyed when the grant took effect. Afterwards A sells the land to C. Here C cannot obstruct the light by building on the land, for he takes it subject to the burdens to which it was subject in A's hand.

(*f*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A simultaneously sells the house to B and the land to C. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale was made. Here A impliedly grants B a right to the light, and C takes the land subject to the restriction that he may not build so as to obstruct such light.

(*g*) A is the owner of a house and adjoining land. The house has windows overlooking the land. A, retaining the house, sells the land to B, without expressly reserving any easement. The light passing over the land is necessary for enjoying the house as it was enjoyed when the sale took effect. A is entitled to the light, and B cannot build on the land so as to obstruct such light.

(*h*) A sells B a factory. B is entitled, as against A, to pollute the air, when necessary, with smoke and vapours from the factory.

(*i*) A, the owner of two adjoining houses, Y and Z, sells Y to B, and retains Z. B is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Y as it was enjoyed when the sale was made, and A is entitled to the benefit of all the gutters and drains common to the two houses and necessary for enjoying Z as it was enjoyed when the sale was made.

(*j*) A, the owner of two adjoining buildings, sells one to B, retaining the other. B is entitled to a right to lateral support from A's building, and A is entitled to a right to lateral support from B's building.

(*k*) A, the owner of two adjoining buildings, sells one to B, and the other to C. C is entitled to lateral support from B's building, and B is entitled to lateral support from C's building.

(*l*) A grants land to B for the purpose of building a house thereon. B is entitled to such amount of lateral and subjacent support from A's land as is necessary for the safety of the house.

(*m*) Under the Land Acquisition Act, 1870, the officer of a Railway Company compulsorily acquires a portion of B's land for the purpose of making a siding. The Company is entitled to such amount of lateral support from B's adjoining land as is essential for the safety of the siding.

(*n*) Owing to the partition of joint property, A becomes the owner of an upper room in a building and B becomes the owner of the portion of the building immediately beneath it. A is entitled to such amount of vertical support from B's portion as is essential for the safety of the upper room.

(*o*) A lets a house and grounds to B for a particular business. B has no access to them other than by crossing A's land. B is entitled to a right of way over that land suitable to the business to be carried on by B in the house and grounds.

(*p*) A lets land to B, but excepts all the trees of a certain age growing on the land. A and the intending purchasers of the trees are entitled to a right of way over the land for the purpose of examining the trees. A is also entitled to a right of way over the land for the purpose of felling and removing the trees when they have attained the specified age.

Bolton v. *Bolton*, 11 Chan. Div. 968.

Direction of way of necessity.

14. When a right to a way of necessity is created under section thirteen, the transferor, the legal representative of the testator, or the owner of the share in which the right exists, as the case may be, is entitled to set out the way; but it must be reasonably convenient for the dominant owner.

When the person so entitled to set out the way refuses or neglects to do so, the dominant owner may set it out.

Act XV of 1877, s. 26.

Acquisition by prescription.

15. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

Angus v. *Dalton*.

and where support from one person's land, or things affixed thereto, has been peaceably received by another person's land subjected to artificial pressure, or by things affixed thereto, as an easement, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative), has been peaceably and openly enjoyed by any person claiming title thereto, as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, support, way, watercourse, use of water or other easement shall be absolute.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested. N. W. P. (1875), p. 206.

Explanation I.—Nothing is an enjoyment within the meaning of this section when it has been had in pursuance of an agreement with the owner or occupier of the property over which the right is claimed, and it is apparent from the agreement that such right has not been granted as an easement, or, if granted as an easement, that it has been granted for a limited period, or subject to a condition on the fulfilment of which it is to cease.

Explanation II.—Nothing is an interruption within the meaning of this section, unless where there is an actual cessation of the enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made. I. L. R. 1 Calc. 430.

Explanation III.—Suspension of enjoyment in pursuance of a contract between the dominant and servient owners is not an interruption within the meaning of this section.

Explanation IV.—In the case of an easement of support, where the soil of the dominant heritage is subjected to artificial pressure not externally apparent, or where the outward thrust of things affixed thereto is enhanced by causes not externally apparent, the said period of twenty years begins when the circumstance by which the burden on the servient heritage is increased becomes known to the servient owner. *Angus* v. *Dalton*, L. R. 3 Q.B., 85.

Explanation V.—In the case of an easement to pollute water, the said period of twenty years begins when the pollution first prejudices perceptibly the servient heritage.

Illustrations.

(*a*) A suit is brought in 1883 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from first January, 1862, to first January, 1882. The plaintiff is entitled to judgment.

(*b*) In a like suit also brought in 1883, the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1860 to 1880. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that for a year of that time the plaintiff was entitled to possession of the servient heritage as lessee thereof and enjoyed the right as such lessee. The suit shall be dismissed, for the right of way has not been enjoyed 'as an easement' for twenty years.

(*d*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff on one occasion during the twenty years had admitted that the user was not of right and asked his leave to enjoy the right. The suit shall be dismissed, for the right of way has not been enjoyed 'as of right' for twenty years.

Exclusion in favour of reversioner of servient heritage.

16. Provided that, when any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of Act XV of 1877, s. 27.

such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C had a life-interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Rights which cannot be acquired by prescription.

17. Easements acquired under section fifteen are said to be acquired by prescription, and are called prescriptive rights.

None of the following rights can be so acquired :—

(*a*) a right which would tend to the total destruction of the servient heritage or the subject of the right;

(*b*) a right which would be inconsistent with, and not subordinate to, an actual and existing grant made by the servient owners;

(*c*) a right to the free passage of light or air to an open space of ground;

Potts v. Smith, L. R. 6 Eq. Ca. 311.

(*d*) a right to surface-water not flowing in a stream and not permanently collected in a pool, tank or otherwise;

(*e*) a right to underground water not passing in a defined channel.

Explanation.—In this section the expression 'servient owner' means the person who, in case the acquisition referred to were made, would be the owner of the property on which liability would be imposed; and the expression 'servient heritage' means such property.

Customary easements.

18. An easement may be acquired in virtue of a local custom. Such easements are called customary easements.

Illustrations.

(*a*) By the custom of a certain village every cultivator of village land is entitled, as such, to graze his cattle on the common pasture. A, having bought a plot of uncultivated land in the village, breaks up and cultivates that plot. He thereby acquires an easement to graze his cattle in accordance with the custom.

(*b*) By the custom of a certain town no owner or occupier of a house can open a new window therein so as substantially to invade his neighbour's privacy. A builds a house in the town near B's house. A thereupon acquires an easement that B shall not open new windows in his house so as to command a view of the portions of A's house which are ordinarily excluded from observation, and B acquires a like easement with respect to A's house.

Transfer of dominant heritage passes easement.

19. Where the dominant heritage is transferred or devolves, by act of parties or by operation of law, the transfer or devolution shall, unless a contrary intention appears, be deemed to pass the easement to the person in whose favour the transfer or devolution takes place.

Illustration.

A has certain land to which a right of way is annexed. A lets the land to B for twenty years. The right of way vests in B and his legal representative so long as the lease continues.

CHAPTER III.—THE INCIDENTS OF EASEMENTS.

Rules controlled by contract or title.

20. The rules contained in this chapter are controlled by any contract between the dominant and servient owners relating to the subject-matter, and by the provisions of the instrument or decree, if any, by which the easement referred to was imposed.

Incidents of customary easements.

And when any incident of any customary easement is inconsistent with such rules, nothing in this chapter shall affect such incident.

Bar to use unconnected with enjoyment.

21. An easement must not be used for any purpose not connected with the enjoyment of the dominant heritage.

Illustrations.

(*a*) A, as owner of a farm Y, has a right of way over B's land to Y. Lying beyond Y, A has another farm Z, the beneficial enjoyment of which is not necessary for the beneficial enjoyment of Y. He must not use the easement for the purpose of passing to and from Z.

(*b*) A, as owner of a certain house, has a right of way to and from it. For the purpose of the passing to and from the house, the right may be used, not only by A, but by the members of his family, his guests, lodgers, servants, workmen, visitors and customers; for this is a purpose connected with the enjoyment of the dominant heritage. So, if A lets the house, he may use the right of way for purpose of collecting the rent and seeing that the house is kept in repair.

Exercise of easement.

22. The dominant owner must exercise his right in the mode which is least onerous to the servient owner;

Confinement of exercise of easement.

and when the exercise of an easement can without detriment to the dominant owner be confined to a determinate part of the servient heritage, such exercise shall, at the request of the servient owner, be so confined.

Illustrations.

(*a*) A has a right of way over B's field. A must enter the way at either end, and not at any intermediate point.

(*b*) A has a right annexed to his house to cut thatching-grass in B's swamp. A, when exercising his easement, must cut the grass so that the plants may not be destroyed.

Right to alter mode of enjoyment.

23. Subject to the provisions of section twenty-two, the dominant owner may, from time to time, alter the mode and place of enjoying the easement, provided that he does not thereby impose any additional burden on the servient heritage.

Exception.—The dominant owner of a right of way cannot vary his line of passage at pleasure even though he does not thereby impose any additional burden on the servient heritage.

Punjab Record, 1867, p. 156.

Illustrations.

(*a*) A, the owner of a saw-mill, has a right to a flow of water sufficient to work the mill. He may convert the saw-mill into a corn-mill, provided that it can be worked by the same amount of water.

(*b*) A has a right to discharge on B's land the rain-water from the eaves of A's house. This does not entitle A to advance his eaves, if, by so doing, he imposes a greater burden on B's land.

(*c*) A, as the owner of a paper-mill, acquires a right to pollute a stream by pouring in the refuse-liquor produced by making in the mill paper from rags. He may pollute the stream by pouring in similar liquor produced by making in the mill paper by a new process from bamboos, provided that he does not substantially increase the amount, or injuriously change the nature, of the pollution.

(*d*) A, a riparian owner, acquires, as against the lower riparian owners, a prescriptive right to pollute a stream by throwing sawdust into it. This does not entitle A to pollute the stream by discharging into it poisonous liquor.

Right to do acts to secure enjoyment.

24. The dominant owner is entitled, as against the servient owner, to do all acts necessary to secure the full enjoyment of the easement; but such acts must be done at such time and in such manner as, without detriment to the dominant owner, to cause the servient owner as little inconvenience as possible; and the dominant owner must repair, as far as practicable, the damage (if any) caused by the act to the servient heritage.

Accessory rights.

Rights to do acts necessary to secure the full enjoyment of an easement are called accessory rights.

Illustrations.

(*a*) A has an easement to lay pipes in B's land to convey water to A's cistern. A may enter and dig the land in order to mend the pipes, but he must restore the surface to its original state.

(*b*) A has an easement of a drain through B's land. The sewer with which the drain communicates is altered. A may enter upon B's land and alter the drain, to adapt it to the new sewer, provided that he does not thereby impose any additional burden on B's land.

(*c*) A, as owner of a certain house, has a right of way over B's land. The way is out of repair, or a tree is blown down and falls across it. A may enter on B's land and repair the way or remove the tree from it.

(*d*) A, as owner of a certain field, has a right of way over B's land. B renders the way impassable. A may deviate from the way and pass over the adjoining land of B, provided that the deviation is reasonable.

(*e*) A, as owner of a certain house, has a right of way over B's field. A may remove rocks to make the way.

(*f*) A has an easement of support from B's wall. The wall gives way. A may enter upon B's land and repair the wall.

(*g*) A has an easement to have his land flooded by means of a dam in B's stream. The dam is half swept away by an inundation. A may enter upon B's land and repair the dam.

Liability for expenses necessary for preservation of easement.

25. The expenses incurred in constructing works, or making repairs, or doing any other act necessary for the user or preservation of an easement, must be defrayed by the dominant owner.

Liability for damage from want of repair.

26. Where an easement is enjoyed by means of an artificial work, the dominant owner is liable to make compensation for any damage to the servient heritage arising from the want of repair of such work.

Servient owner not bound to do anything.

27. The servient owner is not bound to do anything for the benefit of the dominant heritage, and he is entitled, as against the dominant owner, to use the servient heritage in any way consistent with the enjoyment of the easement; but he must not do any act tending to restrict the easement or to render its exercise more inconvenient.

N. W. P. (1867), p. 191.

Illustrations.

(*a*) A, as owner of a house, has a right to lead water and send sewage through B's land. B is not bound as servient owner to clear the watercourse or scour the sewer.

(*b*) A grants a right of way through his land to B as owner of a field. A may feed his cattle on grass growing on the way, provided that B's right of way is not thereby obstructed; but he must not build a wall at the end of his land so as to prevent B from going beyond it, nor must he narrow the way so as to render the exercise of the right less easy than it was at the date of the grant.

(*c*) A, in respect of his house, is entitled to an easement of support from B's wall. B is not bound as servient owner to keep the wall standing and in repair. But he must not pull down or weaken the wall so as to make it incapable of rendering the necessary support.

(*d*) A, in respect of his mill, is entitled to a watercourse through B's land. B must not drive stakes so as to obstruct the watercourse.

(*e*) A, in respect of his house, is entitled to a certain quantity of light passing over B's land. B must not plant trees so as to obstruct the passage to A's windows of that quantity of light.

Extent of easements.

28. With respect to the extent of easements and the mode of their enjoyment, the following provisions shall take effect :—

Easement of necessity.

An easement of necessity is co-extensive with the necessity.

Other easements.

The extent of any other easement and the mode of its enjoyment must be fixed with reference to the probable intention of the parties and the purpose for which the right was imposed or acquired.

In the absence of evidence as to such intention and purpose—

Right of way.

(*a*) a right of way of any one kind does not include any other kind :

Right to light or air acquired by grant.

(*b*) the extent of a right to the passage of light or air to a certain window, door or other opening, imposed by assurance or will, is the quantity of light or air that entered the opening at the time the assurance was made or the testator died :

Prescriptive right to light or air.

(*c*) the extent of a prescriptive right to the passage of light or air to a certain window, door or other opening is that quantity of light or air which has been accustomed to enter that opening during the whole of the prescriptive period, irrespectively of the purposes for which it has been used :

Prescriptive right to pollute air and water.

(*d*) the extent of a prescriptive right to pollute air or water is the extent of the pollution at the commencement of the period of user on completion of which the right arose : and

Other prescriptive rights.

(*e*) the extent of every other prescriptive right and the mode of its enjoyment must be determined by the accustomed user of the right.

Increase of easement.

29. The dominant owner cannot, by merely altering or adding to the dominant heritage, substantially increase an easement.

Where an easement has been granted or bequeathed so that its extent shall be proportionate to the extent of the dominant heritage, if the dominant heritage is increased by alluvion, the easement is proportionately increased, and if the dominant heritage is diminished by diluvion, the easement is proportionately diminished.

Save as aforesaid, no easement is affected by any change in the extent of the dominant or the servient heritage.

Illustrations.

(*a*) A, the owner of a mill, has acquired a prescriptive right to divert to his mill part of the water of a stream. A alters the machinery of his mill. He cannot thereby increase his right to divert water.

(*b*) A has acquired an easement to pollute a stream by carrying on a manufacture on its banks by which a certain quantity of foul matter is discharged into it. A extends his works and thereby increases the quantity discharged. He is responsible to the lower riparian owners for injury done by such increase.

(*c*) A, as the owner of a farm, has a right to take, for the purpose of manuring his farm, leaves which have fallen

from the trees on B's land. A buys a field and unites it to his farm. A is not thereby entitled to take leaves to manure this field.

Partition of dominant heritage.

30. Where a dominant heritage is divided between two or more persons, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage: provided that such annexation is consistent with the terms of the instrument or decree (if any) under which the division was made or the easement was imposed and, in the case of prescriptive rights, with the user during the prescriptive period.

Illustrations.

(*a*) A house, to which a right of way by a particular path is annexed, is divided into two parts, one of which is granted to A, the other to B. Each is entitled, in respect of his part, to a right of way by the same path.

(*b*) A house, to which is annexed the right of drawing water from a well to the extent of fifty buckets a day, is divided into two distinct heritages, one of which is granted to A, the other to B. A and B are each entitled, in respect of his heritage, to draw from the well fifty buckets a day; but the amount drawn by both must not exceed fifty buckets a day.

(*c*) A, having in respect of his house an easement of light, divides the house into three distinct heritages. Each of these continues to have the right to have its windows unobstructed.

Obstruction in case of excessive user.

31. In case of excessive user of an easement, the servient owner may, without prejudice to any other remedies to which he may be entitled, obstruct the user, but only on the servient heritage: provided that such user cannot be obstructed when the obstruction would interfere with the lawful enjoyment of the easement.

Illustration.

A, having a right to the free passage over B's land of light to four windows, six feet by four, increases their size and number. It is impossible to obstruct the passage of light to the new windows without also obstructing the passage of light to the ancient windows. B cannot obstruct the excessive user.

CHAPTER IV.

THE DISTURBANCE OF EASEMENTS.

Right to enjoyment without disturbance.

32. The owner or occupier of the dominant heritage is entitled to enjoy the easement without disturbance by any other person.

Illustration.

A, as owner of a house, has a right of way over B's land. C unlawfully enters on B's land, and obstructs A in his right of way. A may sue C for compensation, not for the entry, but for the obstruction.

Suit for disturbance of easement.

33. The owner of any interest in the dominant heritage, or the occupier of such heritage, may institute a suit for compensation for the disturbance of the easement or of any right accessory thereto; provided that the disturbance has actually caused substantial damage to the plaintiff.

Explanation I.—The doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage, is substantial damage within the meaning of this section and section thirty-five.

Explanation II.—Where the easement disturbed is a right to the free passage of light passing to the openings in a house, no damage is substantial, within the meaning of this section, unless it falls within the first Explanation, or interferes materially with the physical comfort of the plaintiff, or prevents him from carrying on his accustomed business in the dominant heritage as beneficially as he had done previous to instituting the suit.

Explanation III.—Where the easement disturbed is a right to the free passage of air to the openings in a house, damage is substantial, within the meaning of this section, if it interferes materially with the physical comfort of the plaintiff, though it is not injurious to his health. 15 Beng. 68.

Illustrations.

(*a*) A places a permanent obstruction in a path over which B, as tenant of C's house, has a right of way. This is substantial damage to C, for it may affect the evidence of his reversionary right to the easement.

(*b*) A, as owner of a house, has a right to walk along one side of B's house. B builds a verandah overhanging the way about ten feet from the ground, and so as not to occasion any inconvenience to foot-passengers using the way. This is not substantial damage to A. 1 Calc. 425.

When cause of action arises for removal of support.

34. The removal of the means of support to which a dominant owner is entitled does not give rise to a right to recover compensation unless and until substantial damage is actually sustained. Act XV of 1877, s. 24.

Polluting air and water previously impure.

35. The circumstance that air or water, the subject of an easement, is already polluted by similar or different means, does not, of itself, deprive the dominant owner of his right to recover compensation from any person who adds to the pollution.

Suit for continuing disturbance.

36. Where the disturbance of an easement is continued after compensation has been recovered for the original act of disturbance, another suit may be instituted for compensation for the continuance; and the decision in the former suit is no bar to the latter.

Injunction to restrain disturbance.

37. Subject to the provisions of the Specific Relief Act, 1877, sections 52 to 57 (both inclusive), an injunction may be granted to restrain the disturbance of an easement—

(*a*) if the easement is actually disturbed,—when compensation for such disturbance might be recovered under this chapter:

(*b*) if the disturbance is only threatened or intended,—when the act threatened or intended must necessarily, if performed, disturb the easement.

Abatement of obstruction of easement.

38. Notwithstanding the provisions of section twenty-four, the dominant owner cannot himself abate a wrongful obstruction of an easement. 7 Mad. H C. Rulings XV.

CHAPTER V.—THE EXTINCTION, SUSPENSION AND REVIVAL OF EASEMENTS.

Extinction by dissolution of right of servient owner.

39. When, from a cause which preceded the imposition of an easement, the person by whom it was imposed ceases to have any right in the servient heritage, the easement is extinguished.

Exception.—Nothing in this section applies to an easement lawfully imposed by a mortgagor in accordance with section eleven.

Illustrations.

(*a*) A transfers Sultánpur to B on condition that he does not marry C. B imposes an easement on Sultánpur. Then B marries C. B's interest in Sultánpur ends, and with it the easement is extinguished.

(*b*) A, in 1860, lets Sultánpur to B for thirty years from the date of the lease. B, in 1861, imposes an easement on the land in favour of C, who enjoys the easement peaceably and openly as an easement without interruption for twenty-nine years. B's interest in Sultánpur then ends, and with it C's easement.

(*c*) A and B, tenants of C, have permanent transferable interests in their respective holdings. A imposes on his holding an easement to draw water from a tank for the purpose of irrigating B's land. B enjoys the easement for twenty years. Then A's rent falls into arrear and his interest is sold. B's easement is extinguished.

(*d*) A mortgages Sultánpur to B, and lawfully imposes an easement on the land in favour of C in accordance with the provisions of section eleven. The land is sold to D in satisfaction of the mortgage-debt. The easement is not thereby extinguished.

Extinction by release.

40. An easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner.

Such release can be made only in the circumstances and to the extent in and to which the dominant owner can alienate the dominant heritage.

An easement may be released as to part only of the servient heritage.

Explanation I.—An easement is impliedly released—

(*a*) where the dominant owner expressly authorizes an act of a permanent nature to be done on the servient heritage, the necessary consequence of which is to prevent his future enjoyment of the easement, and such act is done in pursuance of such authority;

(*b*) where any permanent alteration is made in the dominant heritage of such a nature as to show that the dominant owner intended to cease to enjoy the easement in future.

Explanation II.—Mere non-user of an easement is not an implied release within the meaning of this section.

Illustrations.

(*a*) A, B and C are co-owners of a house to which an easement is annexed. A, without the consent of B and C, releases the easement. This release is effectual only as against A and his legal representative.

(*b*) A grants B an easement over A's land for the beneficial enjoyment of his house. B assigns the house to C. B then purports to release the easement. The release is ineffectual.

(*c*) A, having the right to discharge his eavesdroppings into B's yard, expressly authorizes B to build over this yard to a height which will interfere with the discharge. B builds accordingly. A's easement is extinguished.

(*d*) A, having an easement of light to a window, builds up that window with bricks and mortar so as to manifest an intention to abandon the easement permanently. The easement is impliedly released.

(*e*) A, having a projecting roof by means of which he enjoys an easement to discharge eavesdroppings on B's land, alters the roof, so as to direct the rain-water into a different channel and discharge it on C's land. The easement is impliedly released.

Extinction by revocation.

41. An easement is extinguished when the servient owner, in exercise of a power reserved in this behalf, revokes the easement.

Extinction on expiration of limited period or happening of dissolving condition.

42. An easement is extinguished where it has been imposed for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled.

Extinction on termination of necessity.

43. An easement of necessity is extinguished when the necessity comes to an end.

Illustration.

A grants B a field inaccessible except by passing over A's adjoining land. B afterwards purchases a part of that land over which he can pass to his field. The right of way over A's land, which B had acquired, is extinguished.

Extinction of useless easement.

44. An easement is extinguished when it becomes incapable of being at any time and under any circumstances beneficial to the dominant owner.

45. An easement is extinguished—

Extinction by substantial change of dominant heritage.

(*a*) where the dominant heritage is substantially changed and it is not proved that the easement was intended to continue annexed thereto notwithstanding such change, or

Extinction by material and permanent increase of burden.

(*b*) where, by any change in the dominant heritage, the burden on the servient heritage is materially increased, and cannot be reduced to its original limits, and it is not proved that the burden was intended to be increased by such change.

Extinction on permanent alteration of servient heritage by superior force.

46. An easement is extinguished where the servient heritage is by superior force so permanently altered that the dominant owner can no longer exercise his right:

Provided that, where a way of necessity is destroyed by superior force, the dominant owner has a right to another way over the servient heritage; and the provisions of section fourteen apply to such way.

Illustrations.

(*a*) A grants to B, as the owner of a certain house, a right to fish in a river running through A's land. The river changes its course permanently and runs through C's land. B's easement is extinguished.

(*b*) Access to a path over which A has a right of way is permanently cut off by an earthquake. A's right is extinguished.

Extinction by destruction of either heritage.

47. An easement is extinguished when either the dominant or the servient heritage is completely destroyed. N.-W. P. (1866), p. 117.

Illustration.

A has a right of way over a road running along the foot of a sea-cliff. The road is washed away by a permanent encroachment of the sea. A's easement is extinguished.

Extinction by unity of ownership.

48. An easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages. Beng. 368.

Illustrations.

(*a*) A, as the owner of a house, has a right of way over B's field. A mortgages his house, and B mortgages his field, to C. Then C forecloses both mortgages and becomes thereby absolute owner of both house and field. The right of way is extinguished.

(*b*) The dominant owner acquires only part of the servient heritage: the easement is not extinguished, except in the case illustrated in section forty-three.

(*c*) The servient owner acquires the dominant heritage in common with a third person: the easement is not extinguished.

(*d*) The separate owners of two separate dominant heritages jointly acquire the heritage which is servient to the two separate heritages: the easements are not extinguished.

(*e*) The joint owners of the dominant heritage jointly acquire the servient heritage: the easement is extinguished.

(*f*) A single right of way exists over two servient heritages for the beneficial enjoyment of a single dominant heritage. The dominant owner acquires one only of the servient heritages. The easement is not extinguished.

(*g*) A has a right of way over B's road. B dedicates the road to the public. A's right of way is not extinguished.

Extinction by non-user.

49. A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

A discontinuous easement is extinguished when, for a like period, it has not been exercised, or the dominant owner has not registered, under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registered the said declaration.

Where an easement is exercisable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

An easement is not extinguished under this section—

(*a*) where the cessation is in pursuance of a contract between the dominant and servient owners;

(*b*) where the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or

(*c*) where the easement is a necessary easement.

Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement.

Illustration.

A has, as annexed to his house, rights of way from the high road thither over the heritages X and Z and the intervening heritage Y. Before the twenty years expire, A exercises his right of way over X. His rights of way over Y and Z are not extinguished.

Extinction of accessory rights.

50. When an easement is extinguished, the rights (if any) accessory thereto are also extinguished.

Illustration.

A has an easement to draw water from B's well. As accessory thereto, he has a right of way over B's land to and from the well. The easement to draw water is extinguished under section forty-nine. The right of way is also extinguished.

Suspension of easement.

51. An easement is suspended when the dominant owner becomes entitled to possession of the servient heritage for a limited interest therein, or when the servient owner becomes entitled to possession of the dominant heritage for a limited interest therein.

Servient owner not entitled to require continuance.

52. The servient owner has no right to require that an easement be continued; and, notwithstanding the provisions of section twenty-six, he is not entitled to compensation for damage caused to the servient heritage in consequence of the extinguishment or suspension of the easement, if the dominant owner has given to the servient owner such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage.

Compensation for damage caused by extinguishment.

Where such notice has not been given, the servient owner is entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension.

Illustration.

A, in exercise of an easement, diverts to his canal the water of B's stream. The diversion continues for many years, and during that time the bed of the stream partly fills up. A then abandons his easement, and restores the stream to its ancient course. B's land is consequently flooded. B sues A for compensation for the damage caused by the flooding. It is proved that A gave B a month's notice of his intention to abandon the easement, and that such notice was sufficient to enable B, without unreasonable expense, to have prevented the damage. The suit must be dismissed.

Revival of easements.

53. An easement extinguished under section forty-seven revives (*a*) when the destroyed heritage is, before twenty years have expired, restored by the deposit of alluvion; (*b*) when the destroyed heritage is a servient building and before twenty years have expired such building is rebuilt upon the same site; and (*c*) when the destroyed heritage is a dominant building and before twenty years have expired such building is rebuilt upon the same site and in such a manner as not to impose a greater burden on the servient heritage. N.-W. P. (1866), p. 197.

An easement extinguished under section forty-eight revives when the grant or bequest by which the unity of ownership was produced is set aside by the decree of a competent Court. A necessary easement extinguished under the same section revives when the unity of ownership ceases from any other cause.

A suspended easement revives if the cause of suspension is removed before the right is extinguished under section forty-nine

Illustration.

A, as the absolute owner of field Y, has a right of way thither over B's field Z. A obtains from B a lease of Z for twenty years. The easement is suspended so long as A remains lessee of Z. But when A assigns the lease to C, or surrenders it to B, the right of way revives.

CHAPTER VI.

LICENSES.

"License" defined.

54. Where one person grants to another, or to a definite number of other persons, a right to do, or continue to do, in or upon the immoveable property of the grantor, something which would, in the absence of such right, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.

Who may grant license.

55. A license may be granted by any one in the circumstances and to the extent in and to which he may transfer his interest in the property affected by the license.

Grant may be express or implied.

56. The grant of a license may be express or implied from the conduct of the grantor; and an agreement purporting to create an easement, which is ineffectual for that purpose, may operate to create a license.

Accessory licenses annexed by law.

57. All licenses necessary for the enjoyment of any interest, or the exercise of any right, are implied in the constitution of such interest or right. Such licenses are called accessory licenses.

Illustration.

A sells the trees growing on his land to B. B is entitled to go on the land and take away the trees.

"It is founded on personal confidence," 3 Kent 583.

License when transferable.

58. Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Illustration.

A grants B a right to walk over A's field whenever he pleases. The right is not annexed to any immoveable property of B. The right cannot be transferred.

Grantor's duty to disclose defects.

59. The grantor of a license is bound to disclose to the licensee any defect in the property affected by the license, likely to be dangerous to the person or property of the licensee, of which the grantor is, and the licensee is not, aware.

Grantor's duty not to render property unsafe.

60. The grantor of a license is bound not to do anything likely to render the property affected by the license dangerous to the person or property of the licensee.

17 Q. B. 574.

Grantor's transferee not bound by license.

61. When the grantor of the license transfers the property affected thereby, the transferee is not bound by the license.

License when revocable.

62. A license may be revoked by the grantor, unless

(*a*) it is coupled with a transfer of property and such transfer is in force: Gale 69.

(*b*) the licensee, acting upon the license, has executed a work of a permanent character and incurred expenses in the execution.

Revocation express or implied.

63. The revocation of a license may be express or implied.

Illustrations.

(*a*) A, the owner of a field, grants a license to B to use a path across it. A, with intent to revoke the license, locks a gate across the path. The license is revoked.

(*b*) A, the owner of a field, grants a license to B to stack hay on the field. A lets or sells the field to C. The license is revoked. Gale 65.

License when deemed revoked.

64. A license is deemed to be revoked— 3 Kent 582.

(*a*) when, from a cause preceding the grant of it, the grantor ceases to have any interest in the property affected by the license:

(*b*) when the licensee releases it, expressly or impliedly, to the grantor or his representative:

(*c*) where it has been granted for a limited period, or acquired on condition that it shall become void on the performance or non-performance of a specified act, and the period expires or the condition is fulfilled:

(*d*) where the property affected by the license is destroyed or by superior force so permanently altered that the licensee can no longer exercise his right:

(*e*) where the licensee becomes entitled to the absolute ownership of the property affected by the license:

(*f*) where the license is granted for a specified purpose and the purpose is attained, or abandoned, or becomes impracticable:

(*g*) where the license is granted to the licensee as holding a particular office, employment or character, and such office, employment or character ceases to exist:

(*h*) where the license totally ceases to be used as such for an unbroken period of twenty years and such cessation is not in pursuance of a contract between the grantor and the licensee:

(*i*) in the case of an accessory license, when the interest or right to which it is accessory ceases to exist.

Licensee's rights on revocation.

65. Where a license is revoked, the licensee is entitled to a reasonable time to leave the property affected thereby and to remove any goods which he has been allowed to place on such property. L. R. 5 C. P. 334; L. R. 9 Q. B. 400.

Licensee's rights on eviction.

66. Where a license has been granted for a consideration, and the licensee, without any fault of his own, is evicted by the grantor before he has fully enjoyed, under the license, the right for which he contracted, he is entitled to recover compensation from the grantor.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill is intended to form part of the Indian Civil Code, and attempts to state, clearly and compactly, the rules relating to Easements, that is to say, the rights which a man sometimes has over one piece of immoveable property by reason of his ownership of another. As to these rights our present statutory law is silent, except so far as regards the acquisition of easements by long and continued possession, the limitation of suits for disturbing them, and the granting of injunctions to prevent such disturbance; and three of our most experienced Judges—Sir Michael Westropp, Mr. Justice (now Sir Louis) Jackson and Mr. Justice Innes—have expressed their opinion that it is desirable to codify the law on the subject, which is now (to quote the Chief Justice of Bombay) "for the most part to be found only in treatises and reports practically inaccessible to a large proportion of the legal profession in the Mufassal and to the subordinate Judges." There is much litigation in the case of urban easements, and a late Judge of the Panjáb Chief Court asserts that this is largely due to the fact that neither the people themselves, nor the majority of the Courts, understand the principles upon which such disputes should be determined. The Bill is mainly based on the law of England, which, being just, equitable and almost free from local peculiarities, has, in many cases,[a] been held to regulate the subject in this country; but a few deviations (hereinafter specified) have been made from that law, and rules as to some matters which have not hitherto come under the cognizance of the English and Indian Courts have been adapted from the writings of modern jurists.

Of Easements generally.

The Bill is divided into six chapters. The first chapter treats of easements generally, and opens with a definition of the term, so framed as to exclude all rights in gross, *i.e.*, those which are not annexed to the ownership of immoveable property. The definition also indicates that the easement must be in a corporeal heritage, and that the servient owner can only be required not to do something or to suffer something to be done. The definition also requires that the easement must be of some advantage to the dominant heritage. Such advantage, it is explained, may be contingent or remote, and even a mere amenity.

An explanation declares in effect that there may be an easement entitling the dominant owner to remove and appropriate for his own use, as such, any part of the soil of the servient heritage or anything growing or subsisting thereon. This, though in conformity with continental systems of jurisprudence, is in contravention of the English law, which reckons, for instance, as an easement, the right to take water from a spring on your neighbour's land, but denies that name to a right to take grass or gravel. "It has been said," to quote Mr. Justice Markby, "that the distinction is that the first is for convenience only, while the latter is for profit. But this, besides being a very slender distinction, is not always observed. The right to take water is just as much an easement if the water be made into beer, and sold by the person who takes it, as if it be used by himself for domestic purposes."

Sections 5 and 6 define, in accordance with English law, easements affirmative and negative, continuous and discontinuous, apparent and non-apparent. An illustration to section 5 shows that an easement to restrain interference with privacy is recognised by the Bill and is a negative easement. Such a right, founded as it is on the oriental custom of secluding females, is of much importance in India: it is recognised generally in the countries whose system is founded on the Civil law; and the decisions of the High Courts adverse to such right should not, in the opinion of the Indian Law Commission, be followed by the legislature.

Section 7 declares that an easement may be for a limited period, or subject to periodical interruption, or exerciseable only at a certain time or on condition.

Easements being restrictions on the free use of property in others are regarded with disfavour by the law, and section 8 accordingly declares that all easements are in derogation of one or other of certain rights incidental to the ownership of immoveable property. These are (*a*) the exclusive right (subject to existing law) to enjoy and dispose of immoveable property and its products, and (*b*) the right of the owner of such property to the enjoyment of the natural advantages arising from its situation, such as unpolluted air, quiet, the vertical passage of light and air, the natural support of land by the soil of another, unpolluted water, draining, the uninterrupted flow of water naturally flowing in defined channels, the discharge of surface-water on lower adjoining land, and, lastly, the use of the water of a stream for drinking, household purposes, watering cattle and, *sub modo*, for irrigation and manufactures.

Imposition, Acquisition and Transfer of Easements.

Chapter II treats of the imposition, acquisition and transfer of easements. Sections 9, 10 and 11 treat of the persons capable of constituting easements, whether permanent or temporary.

[a] See, for example, in Bombay, *Calliandoss* v. *Cleveland*, 2 Ind. Jur. O.S. 16: *Ratanji H. Bottlewala* v. *Edalji H. Bottlewala*, 8 Bom. 181. In Calcutta, *Modhoosoodhun Dey* v. *Bissonath Dey*, 15 Ben. 361: *Bhuban Mohan Banerjee* v. *Elliot*, 6 Ben. 85: *Bagram* v. *Khettranath Karformah*, 3 Beng. O. C. J. 18. In the Mufassal, *Krishna Ayyan* v. *Venkatachella Mudali*, 7 Mad. 60: *Ponnusami Tevar* v. *Collector of Madura*, 5 Mad. 6, 23, 24: *Morgan* v. *Kirby*, I. L. R. 2 Mad. 46. Panjáb Record, No. 80 of 1876.

Provision is made for the cases of lessees, co-owners, trustees, servient owners, lessors and mortgagors. The Bill (here following a decision of the Madras High Court, 4 Mad. 98, but deviating from English law) does not require the express imposition of an easement to be evidenced by writing. The Bill then shews who may acquire easements, allowing one of several co-owners to acquire, without the consent of the others, an easement for the benefit of the property held in co-ownership, allowing also (in accordance with Lord Kenyon's dictum in *Large* v. *Pitt*) a lessee whose interest is permanent and transferable to acquire an easement over land held by another like lessee of the same landlord, but forbidding a lessee to acquire for the beneficial enjoyment of other land of his own an easement in respect of the land comprised in his lease. Nothing is said of the acquisition of an easement by estoppel of the servient owner, as, for instance, when a person having no right to certain land purports to impose an easement upon it and afterwards acquires the land. This matter seems sufficiently provided for by the Evidence Act.

Sections 13 and 14 deal with easements of necessity, that is to say, the rights which are absolutely necessary for enjoying property and quasi-easements, that is to say, conveniences to which an owner subjects one part of his property for the benefit of another. These conveniences, when apparent and continuous and necessary for enjoying property as it was enjoyed when it was separated by grant or bequest, will, in the absence of a stipulation to the contrary, be taken as easements by the grantee or legatee of the quasi-dominant heritage. In like manner, they will be reserved as easements by the person retaining the portion for the benefit of which the conveniences existed. The Bill here follows the decision in *Pyer* v. *Carter*, 1 H. & N. 916, rather than that in *Suffield* v. *Brown*, 33 L. J. Ch. 249. When the person entitled to set out a way of necessity refuses or neglects to do so, the Bill declares that the dominant owner shall be entitled to set it out. But there is no rule, such as exists in England, that a way of necessity shall not be varied save with the consent of both dominant and servient owners, or unless the servient owner renders it impassable. The omission is intentional, as such a rule would, it is said by an eminent authority, be opposed to Indian rural economy and convenience.

The Bill then deals with the important subject of the acquisition of easements by long and continued possession. Sections 15 and 16 correspond to sections 26 and 27 of the Indian Limitation Act, 1877, but with the addition, in section 15, of a provision that a prescriptive right to support may, by user for twenty years, be acquired for land with things affixed thereto, and of explanations that nothing is an "enjoyment" when it has been had in pursuance of an agreement with the owner of the property over which the right is claimed and such right has not been granted as an easement, and that suspension of the enjoyment of an easement in pursuance of a contract between the dominant and servient owners is not such an interruption as will defeat a claim by prescription. Section 17 sets forth the limits to the acquisition of prescriptive rights. It agrees with the present law and its English prototype (where the user has continued for forty years) in making no provision for cases in which the servient owner is ignorant of the user or has been incapable of resisting it. The Bill also provides, in accordance with a decision of the House of Lords, that a right tending to the destruction of the servient heritage cannot be acquired by prescription.

Section 18 deals with customary easements, *i.e.*, easements acquired in virtue of a local custom, such, for example, as the custom that every cultivator of village-land is entitled, as such, to graze his cattle on the common pasture, and the custom that no owner of a house can open a new window therein so as substantially to invade his neighbour's privacy.

As an easement exists only for the beneficial enjoyment of a certain thing, it cannot be separated from that thing. Section 19, taken from the Transfer of Property Bill, accordingly declares that the transfer of a dominant heritage passes the easement, unless a contrary intention appears.

Incidents of Easements.

Chapter III deals with the user, the extent and other incidents of easements. The rules which it contains are expressly made subject to the incidents of customary easements to contract and to the provisions of any instrument or of a decree by which an easement is imposed. As an easement exists only for the benefit of a certain heritage, it can be exercised only in the interests of that heritage, and to supply its wants. Section 21 accordingly declares that an easement cannot be used for any purpose unconnected with the enjoyment of the dominant heritage. As the law does not favour restrictions on rights of property, section 22 declares that an easement must be exercised in the mode least onerous to the servient owner, and allows him to confine such exercise to a determinate part of the servient heritage, when this can be done without detriment to the dominant owner. Section 23 allows, on the other hand, a corresponding privilege to the dominant owner by permitting him to alter the mode and place of enjoying his easement so long as such alteration imposes no additional burden on the servient heritage. By sections 24, 25 and 26, the dominant owner may, in proper time and manner, do what is necessary to secure the full enjoyment of his easement; bearing the expense of constructing or repairing necessary works, and being liable for damage arising from their disrepair. As an easement is imposed on a thing, and not on its owner, section 27 declares that the servient owner is not, as such, bound to do anything for the benefit of the dominant heritage. This rule, however, like the others in the chapter, is subject to local usage saved by law, such, for example, as the Panjáb

usage, that the servient owner of upper land shall in *Chait* break his dam so as to ensure a certain modicum of water to the dominant owner of the lower land. Section 28 defines, in accordance with English decisions, the mode in which the extent of easements is to be determined; section 29 declares the law as to the increase of easements, including the case, noticed by Pothier, of increase of the dominant heritage by alluvion. As easements are indivisible; as they cannot be acquired, exercised or lost in, or for the benefit of, an ideal part of a heritage, section 30 declares that when the dominant heritage is divided, the easement becomes annexed to each of the shares, but not so as to increase substantially the burden on the servient heritage.

The chapter concludes with a declaration that the servient owner may ordinarily obstruct an excessive user of an easement (but only on the servient heritage). This, of course, is without prejudice to any other remedy, such as a suit for compensation or an injunction, to which he may be entitled.

Disturbance of Easements.

Chapter IV, on the disturbance of easements, after describing the general right to undisturbed enjoyment, proceeds (section 33) to provide that the owner of any interest in the dominant heritage, or the occupier of the heritage, may sue for a disturbance if it has caused him substantial damage. Such damage includes the doing of any act likely to injure the plaintiff by affecting the evidence of the easement, or by materially diminishing the value of the dominant heritage. As the law stands both in England and in India, a suit will lie for the disturbance of a right to light where the obstruction interferes materially with the comfort of the plaintiff. But in the case of a right to air, the obstruction, to be actionable, must amount to a nuisance (3 Beng. O. C. 18). It would seem that, in a country like India, the right to air is entitled to at least as much favour as the right to light, and that we should not in this respect follow a law fashioned upon the wants of the inhabitants of a northern country (15 Beng. 68). The Bill accordingly allows a suit for the obstruction of the free passage of air where it interferes materially with the plaintiff's physical comfort, although it is not injurious to his health.

The period at which the cause of action arises when a right of support is disturbed is declared, by section 34, in accordance with the decision in *Bonomi* v. *Backhouse*, and the Indian Limitation Act, 1877, section 24, to be when the damage is sustained.

Cases of polluting air and water previously impure are dealt with in section 35.

Suits for continuing disturbances are provided for by section 36, and rules as to injunctions to restrain disturbances are added by section 37 to those already contained in the Specific Relief Act.

In section 38, the right to abate a wrongful obstruction of light, air or water, is disallowed. This, though a deviation from English law, will avoid the risk of riot and trespass, and is a step taken in the direction in which all modern systems of law have tended, of forbidding private persons to redress their grievances by their own act. There is, it seems, a contrary usage in the Sialkot District; but this will be saved by section 2, clause (*b*).

Extinction, Suspension and Revival of Easements.

Chapter V deals with the extinction, suspension and revival of easements. It first states eleven cases in which an easement may be extinguished, as follows:—

(*a*) by dissolution of the right of the person who imposed the easement (section 39):

(*b*) by release (section 40):

(*c*) by revocation (section 41):

(*d*) by expiration of the time for which the easement was imposed or the happening of the dissolving condition annexed thereto (section 42):

(*e*) in the case of an easement of necessity, when the necessity ends (section 43):

(*f*) when the easement becomes incapable of being under any circumstances beneficial (section 44):

(*g*) by alteration of the dominant heritage (section 45):

(*h*) by alteration of the servient heritage (section 46):

(*i*) by destruction of either heritage (section 47):

(*j*) by unity of ownership (section 48):

(*k*) by non-user (section 49).

In most of these cases the reason for extinction is obvious. Three, however, may need explanation. Useless restrictions of the rights of property are to be avoided, and section 44 consequently declares that an easement which, under no circumstances, can be advantageous to the dominant heritage shall cease to exist. Every easement is a right which the dominant owner would not require if he were also owner of the servient heritage. Section 48 therefore declares that an easement is extinguished when the same person becomes entitled to the absolute ownership of the whole of the dominant and servient heritages.

The section (49) treating of extinctive prescription, *i.e.*, the extinction by non-user of prescriptive rights and other easements, requires fuller notice. As in the case of acquisition by prescription, the Bill does not assume that a fictitious grant has been made by the servient owner, so here the Bill rejects the doctrine that non-user is to be regarded merely as evidence from which a release may be implied, and proposes the following rules on this difficult subject—

"A continuous easement is extinguished when it totally ceases to be used as such for an unbroken period of twenty years.

"A discontinuous easement is extinguished when, for a like period, it has not been exercised, or the dominant owner has not registered, under the Indian Registration Act, 1877, a declaration of his intention to retain the easement.

"Such period shall be reckoned, in the case of a continuous easement, from the day on which its exercise was obstructed by the servient owner, or rendered impossible by the dominant owner; and, in the case of a discontinuous easement, from the day on which it was last exercised by any person as annexed to the dominant heritage, or the day on which the dominant owner registered the said declaration.

"Where an easement is exerciseable only at a certain place, or at certain times, or between certain hours, or for a particular purpose, its exercise during the said period at another place, or at other times, or between other hours, or for another purpose, does not prevent its extinction under this section.

"The circumstance that, during the said period, no one was in possession of the servient heritage, or that the easement could not be exercised, or that a right accessory thereto was exercised, or that the dominant owner was not aware of its existence, or that he exercised it in ignorance of his right to do so, does not prevent its extinction under this section.

"An easement is not extinguished under this section, (*a*) where the cessation is in pursuance of a contract between the dominant and servient owners, (*b*) where the dominant heritage is held in co-ownership, and one of the co-owners exercises the easement within the said period, or (*c*) where the easement is a necessary easement.

"Where several heritages are respectively subject to rights of way for the benefit of a single heritage, and the ways are continuous, such rights shall, for the purposes of this section, be deemed to be a single easement."

It will be seen that the same period is fixed for the loss of an easement by non-user as for its original acquisition by enjoyment[a]; that this method of extinction is not confined (as seems to be the case in America) to prescriptive rights, and that no exception is made where the exercise of the easement [illegible]. There is, in such cases, a *de facto* interruption of the dominant owner's quasi-possession, even though he is unaware of the obstruction or ignorant of his right. Where the dominant owner exercises, during the prescriptive period, a right less extensive than that to which he is entitled, some systems lay down that his easement shall be reduced to the right actually exercised. The Bill omits all provisions on this head, partly because they are inconsistent with the indivisible nature of an easement, and partly because they would obviously encourage litigation.

Nothing is said of the extinction of an easement by estoppel of the dominant owner, as this matter seems sufficiently provided for by the Evidence Act.

The extinction of rights accessory to easements is provided for by section 50.

The suspension of easements by unity of possession is then dealt with by section 51. Suspension by encroachment is not recognised by the Bill.

Section 52 negatives any right of the servient owner to require that an easement should continue. It also negatives his right to demand compensation for damage caused by its extinguishment or suspension if the dominant owner has given him such notice as will enable him, without unreasonable expense, to protect the servient heritage from such damage. Where such notice has not been given, the servient owner will be entitled to compensation for damage caused to the servient heritage in consequence of such extinguishment or suspension. The Bill here deviates somewhat from the English law, as [illegible] *v. The Shrewsbury and Hereford Railway Company*, L. R. 6 Q. B. 578.

Lastly, section 53 deals with the revival of extinguished and suspended easements, and provides, not only for the common case of a house pulled down for the purpose of re-building, but also for that of a diluviated heritage restored by alluvion.

The Bill saves (section 2) any right of the Government to regulate the collection, retention and distribution of the water of rivers and streams flowing in natural channels, or of the water flowing, collected, retained or distributed in or by any channel or other

[a] It was held by the High Court at Fort William, that a right of way was lost by non-user for *six years*, 5 Beng. Appendix 66. In *Ward* v. *Ward* (7 Exch. 838), on the other hand, such a right was held to survive a non-user for more than twenty years.

work constructed at the public expense for irrigation. The power of the Executive to carry out schemes of irrigation will thus remain unhampered. The Bill also saves all enactments not expressly repealed, such, for example, as the Forest Act and, in the Panjáb, Act IV of 1872, section 7, and in Oudh, Act XVIII of 1876, section 4. It will thus avoid interference with forest-conservancy and with local usage in those parts of India in which customary law prevails. It also, *ex abundante cautela*, saves any customary or other right (not conferred by license) over land which the Government, the public or any person may possess irrespective of any other land. Such rights, when conferred by license, are dealt with by Chapter VI.

It may, in conclusion, be remarked that a rough draft of this Bill was circulated in February, 1878, to the Local Governments for opinion. The result was a mass of criticism, some of which was searching and therefore welcome. The Bill was then revised and submitted to the Indian Law Commissioners, who in their report made the following observations :—

"The chief objections taken to the Bill are that, by informing people of their rights, it will provoke litigation, and that it will abolish or otherwise interfere with easements recognised only by local usage. The former objection, if valid, is an objection to all positive law declaring rights, and, in a less degree, to every decision of a court of justice which enunciates a general rule respecting rights. But it is matter of ordinary experience that people are more prone to bring or resist claims to doubtful than to certain rights; that, in other words, litigation is promoted by doubt as to what is, and what is not, a right recognised by the courts of justice. By its explicit declarations of the law on points now held doubtful by the people, the Bar and the Judges of the Subordinate Courts, the Bill appears likely to check, rather than increase, litigation. As to the latter objection, that the Bill will interfere with local usages, we have been unable to find in the papers submitted to us a single instance of a right in the nature of an easement that would have been affected *in malam partem* by the Bill; and we strongly suspect that many of its critics have confounded rights in gross with easements properly so called."

The Bill as revised by the Law Commission extends to the whole of British India; but as there are some parts of the country (*e.g.*, Assam and British Burma) where the rights with which it deals are said to be practically unknown; as in others (*e.g.*, the Panjáb), it may, perhaps, be expedient to extend it to towns, leaving the rural districts entirely to their local usage, the Local Governments are invited to state whether the extension of the proposed law should be made permissive.

The Bill is now published in accordance with the permission of the present Secretary of State for India, and, save that the definition of an apparent easement has been amended, that a few clerical errors have been corrected, that section 13 (as to easements of necessity) has been slightly altered so as to express the recent decision of the Master of the Rolls in *Mayor of London* v. *Riggs* (49 L. J. Chan. Div. 297), and that the commencement of the Act and the dates in the illustrations to section 15 have been changed, it reproduces the draft as settled by the Law Commission.

SIMLA;
The 6th November, 1880.

WHITLEY STOKES.

D. FITZPATRICK,
Secy. to the Govt. of India.

INDEX TO
The Gazette of India.
JULY TO DECEMBER 1880.
PART II.

Page

A

ABDOOL MAJEED, p. w. d., over., promtd. to 2nd grade 625
Abdoola Khan, 1st class hospl. asst., permtd. to retire 610
Abdul Razzak, hospl. asst., C. I. agency, reduced to 2nd grade for misconduct 383
Adams, Sergt. J., R.E., to be a 2nd grade supvr., p. w. dept. 625
Adcock, Mr. E. H., apptd. a comr. in England for taking married women's acknowledgments of deeds respecting property in British India ... 449
Administrator genl.'s office, estates come under charge 381, 426, 497 639
Allaway, Mr. J. R. H., asst. loco. supdt., joined Punjab northern state railway 384; transfd. to Indus valley state railway 411; reptd. arrival at Adamwahan 438; relieved of duties on Punjab northern state railway 439
Allen, Mr. J. H., asst. traffic supdt., transfd. to Punjab northern state railway 383; relieved of duties on Indus valley state railway 411; joined Rathial-Pindi sec., Punjab northern state railway, 428; joined open line 547
Alves, Capt. M. A., R.E., exe. engr., posted to Sirhind and Lahore comd. 584; reptd. arrival at Mian Mir 626; p. l., 5th to 18th Nov., and on 21st reptd. departure from Sirhind and Lahore to Rawalpindi comd. 668; joined Rawalpindi comd. 694
Ammon, Mr. W., to act as 1st grade supdt., travelling post office 456
Anderson, Mr. B., asst. survr., retired 427
Anderson, Dr. J., retd. from furlo. and resumed charge of Indian museum 654
Anderson, Mr. T., store-keeper, Punjab northern state railway, p. l. cancelled 372; 3 months' p. l. granted 626; availed himself of it ... 695
Anjanvel Creek, fixed light at Tolkeshwar ... 395
Antram, Mr. C. H., to be post mr., Lucknow ... 455
Apperley, Mr. W., to act as agent, Bank of Bengal, Cawnpore 573
Arnott, Capt. N., R.E., exe. engr., took over charge of Allahabad divn., mily. works 410
Arundell, Mr. E. W., B. A., asst. engr., Punjab northern state railway, transfd. to Pindi-junction-Peshawar sec. 487; passed deptl. standard exmn. in Hindustani 522; reptd. arrival and posted to Nargala divn. 670
Ashton, Mr. F., posted to charge of lower divn., internal branch, inland customs 654
Asiatic Society, books for sale at library 376, 443, 491, 539, 604 660
Asiff Zuman, hospl. asst. (supy.), apptd. to Rajputana agency 668
Attorneys of high court, rules relating to admn. ... 421

B

BABU MUL, LALA, asst. engr., m. c., 2 months 465; altered to 5 months 511; 2 months' sick leave confirmed 522; 5 months' sick leave confirmed 558; reptd. retn. and posted to Jacobabad divn., Kandahar state railway 642
Baker, Mr. C. J. S., asst. engr., p. l., 3 months, 465; from 1st (not 2nd) Sept. 642; availed himself of same 511
Bala Prashad, offtd. as supdt. of police ... 596
Baly Island, harbour light at Beliling, Eastern Archipelago 572
Bank of Bengal:—Weekly statement 373, 413, 429, 440, 454, 468, 477, 488, 500, 513, 523, 535, 547, 576, 586, 600, 614, 627, 643, 657, 670, 685, 698; statement for half-year ending 30th June 412; notice of annual genl. meeting 409; changes in establ. 437, 475, 498, 573; notice of holidays 463, 533, 583, 596, 667; notice of close of transfer books 693
Bapat, Mr. R. M., to act as supdt. of post office, Khandesh divn. 550
Barboza, Mr. P., to act as supdt. of post office, Vizagapatam divn. 676
Barclay, Mr. P. D., to be traffic supdt., Punjab northern state railway, but to continue to offe. on Rajputana state railway 558
Barnes, Mr. H. C., was relieved of duties in office of exmr., railway accts., Calcutta, 510; joined audit office of Oudh and Rohilkhand railway accts. 522; was relieved of these duties 655
Barr, Capt. D. W. K., held charge of current duties of office of agent to govr. genl. for C. I. in addn. to his own duties 574
Barrett, Mr. E. C., asst. supdt., surv. of India, reverts to 2nd grade 382
Barron, Mr. J. exe. engr., reptd. arrival at Mooltan 397
Barwise, Mr. J. W., to be depy. post mr. genl., Oudh 455
Baxter, Mr. B., exe. engr. (tempy.), permtd. to avail himself of 3 months' spl. leave 428; reptd. return 586
Bean, Mr. L., candidate class, traffic dept., posted to Punjab northern state railway, open line, 383; joined same 412

Page

Beatson, Surg. W., reptd. arrival at Port Blair ... 438
Beau, Mr. L. C. D., traffic probnr., passed L. S. examination 656
Beauclerk, Lt. F., R.E., joined office of exmr. of guaranteed railway accts., Calcutta, 585; was relieved of his duties 683
Beckett, Maj. W. H., exe. engr., reptd. retn. from leave and took over charge of Kasauli divn., mily. works 464
Bedford, Mr. J. H., to be exmr. of post office accts., southern divn., Bombay circle 550
Beeston, Mr. R. C., exe. engr., availed himself of 3 months' p. l. 428; reptd. retn. 575
Begbie, Capt. A. G., R.E., recd. charge of office of exmr. of accts., Punjab northern state railway 669
Behrmann, Mr. E., asst. engr., posted to Kandahar state railway, upper sec. 683
Bell, Mr. H., supdg. engr., availed himself of furlo. 397
Bell, Lt. J. A., retd. from p. l. 625
Bell, Mr. J. R., exe. engr., transfd. to Bhopal-Jhansi surv. divn., Bhopal railway surv., 585; joined same 642; posted to Saugor surv. divn. ... 669
Bengal Secretariat press, publications for sale 379, 393, 407, 419, 435, 447, 461, 473, 483, 495, 507, 519, 531, 543, 555, 569, 581, 593, 607, 621, 637, 651, 665, 691 705
Bengali Govt. Gazette, rates of subscription, 380, 394, 408, 420, 436, 448, 462, 474, 484, 496, 508, 520, 532, 544, 556, 570, 582, 594, 608, 622, 638, 652, 666, 692 706
Bennett, Mr. G. A. F., to act as marine offr., postal department 402
Bennett, Mr. G. A. T., apptd. *sub. pro tem.* 3rd class marine offr., post office, 602; ditto 2nd class mail ditto 676; to act as 3rd class marine offr., post office 687
Besheshur Nath, Baboo, to be asst. to the manager, Indus valley and Kandahar state railways ... 558
Betham, Mr. J. A., to act as inspr. of post offices, Berar divn. 456
Betts, Mr. A. S., p. l., 3 months 693
Bewley, Mr. A., asst. engr., transfd. to Hurnai and Gulistan-Karez sec., Kandahar state railway, 438; reptd. arrival, and was posted to Nari division 488
Beynon, Col. W. H., retd. from p. l. and resumed charge of duties 596
Bhopal state railway:—Tenders invited for construction 464, 476, 487, extn. of time for tenders 499, 510, 522; formation of Nerbudda and Bhopal divns. sanctioned 641
Bhugat Singh, asst. engr., reverts to 2nd grade 383; made over charge of Mayo college divn. 396; on being relieved of which, joined Ajmere divn. 410; was granted, and availed himself of, 20 days' p. l. 486; retd. to duty two days before expiry of leave 533
Bickerton, Mr. C. H. C., asst engr., placed under orders of consg. engr. to govt. of India for guaranteed railways for service on open line, Punjab northern state railway, 585; posted to Jhelum division 643
Bignell, Mr. W. K. D., offg. supdt., tel. dept., p. l., 3 months 427
Birkbeck, Mr. M., C.E., exe. engr., made over charge of Bareilly divn., mily. works, and is transfd. to Ranikhet divn. 410; recd. charge of latter ... 476

Page

Biscoe, Mr. C. L., traffic dept., Punjab northern state railway, transfd. to Rathial-Pindi sec. 510; recd. charge of open line of Rathial-Pindi sec. 535; relieved of duties on same 547
Biscoe, Capt. J. S., S.C., recd. charge of office of govt. exmr. of guaranteed railway accts., Lahore, 668; made over charge of office of exmr. of accts., Punjab northern state railway ... 669
Boileau, Maj. F. W., p. l., 13 Oct. to 5 Nov. 584; retnd. from same 641
Bolster, Mr. J., apptd. to charge of asst. comr.-ship, Punjab mines, in addn. to his own duties ... 624
Bond, Mr. J., asst. survr., p. l., 6 weeks ... 382
Bonnerjee, Baboo G. C., to offe. as private secy. and chief clerk to chief justice 485; *again* ... 681
Bowden, Mr. H. J. A., asst. engr., posted to Mayo college divn. at Ajmere 625
Bowyer, Lt. W. G., R.E., asst. engr., posted to Rawal Pindi comd. 584; joined same, and is posted to Rawalpindi divn. 596
Brackenbury, Capt. M. C., R.E., exe. engr., reptd. arrival at Lahore 683
Brassington, Mr. J. W., exe. engr., retnd. to duty 396
Brereton, Mr. A., exe. engr., posted to Lahore divn., Punjab northern state railway 642
Brij Lal, Lala, supdt. of post office, transfd. to Benares divn. 676
Brown, Mr. J. S., asst. engr., posted to Lahore divn., Punjab northern state railway 642
Bruce, Lt. A. C., R.E., asst. engr., posted to Sirhind and Lahore comd. 486; transfd. to head qrs. staff of inspr. genl., mily. works 499; transfd. to Sirhind and Lahore comd., mily. works 596; p. l., 26 May to 23 July 625; reptd. arrival at Umballa 626
Buckner, Mr. J. W., to act as supdt., Punjab mily. horse van dâk and bullock train, Rawalpindi ... 479
Bull, Mr. C. A., exe. engr., Punjab northern state railway, to offe. as supdt. of works, Rathial-Pindi sec. 546; placed under orders of constg. engr. to govt. of India for guaranteed railways at Lahore for service on the open line, Punjab northern state railway, 585; posted to Jhelum divn. ... 642
Bull's dredgers for sale 376, 389, 403, 416, 433, 442, 457, 465, 480, 491, 505, 515, 529, 538, 551, 563, 578, 590, 603, 618, 633, 647, 659, 678, 688 ... 701
Buller, Maj. H. M., three months' p. l. ... 654
Burke, Mr. J., tel. dept., p. l., 24 days 641
Burlton, Maj. H. M. B., cantt. magte., Mhow, p. l. granted from 11 Aug. 90 days 427; this notice cancelled, and three months' leave granted, of which he availed himself from 28 Aug. ... 683
Burn, Mr. R. N., railway accts., availed himself of three months' p. l. 499; resumed duties in audit office of Oudh and Rohilkhund railway eight days before expiry 655
Burn-Murdoch, Lt. J., R.E., asst. engr., posted to Rawalpindi comd., mily. works, 383; posted to Rawalpindi divn. 396; joined his apptt. at Rawalpindi 451; posted temply. to open line, Punjab northern state railway, and placed under orders of consg. engr., Lahore, 585; relieved of duties in the mily. works branch 596; transfd. to Gwalior-Jhansi divn. of the Sindia railway 655; posted to Jhelum divn. 669; was relieved of duty on Punjab northern state railway 684

Page

Burns, Mr. R. S., to act as inspr. of post offices, Wardah divn., C. P., 456; to be supdt. of post offices, Nagpur divn. 676
Buyers, Mr. J. W., exe. engr., resumed charge of 1st divn., Nimach-Nasirabad state railway ... 397

C

Cabral, Mr. V. M., to be asst. post mr., Bombay ... 402
Calcutta Gazette, rates of subscription 380, 394, 408, 420, 436, 448, 462, 474, 484, 496, 508, 520, 532, 544, 556, 570, 582, 594, 608, 622, 638, 652, 666, 692 706
Calicut, intended altn. in light apparatus ... 623
Campbell, Mr. C. W., survr., promtd. to 1st grade 410
Campbell, Mr. R. L., 6 weeks' privilege leave 372; availed himself of privilege leave 452; reported return 535
Campion, Mr. J. M., exe. engr., posted to Bhelsa survy divn., Bhopal state railway ... 669
Cardew, Mr. C. E., loco. dept., Rajputana state railway, extension of furlo. 597
Carleton, Lt. G. D., 3 months' privilege leave ... 694
Carnell, Mr. N. M., cand. for sup. rev. estabt., transfd. to open sec., Punjab northern state railway, 411; was relieved of duties on Indus valley state railway 438; reptd. arrival on Punjab northern state railway, and posted to traffic dept. ... 439
Carter, Mr. W. B., assumed charge, as engr.-in-chief, S. sec., Nimach-Nasirabad state railway, 397; correction in date of doing so 438; recd. charge as engr.-in-chief, northern sec., Nimach-Nasirabad state railway 534
Carty, Mr. C. J., to be inspr. of post offices, Lahore division 455
Cather, Lt. T. P., R.E., asst. engr., posted to Rawal Pindi comd. 610; Peshawar divn. 683; transfd. to Sialkot divn. 694
Chadwick, Mr. W., asst. engr., transfd. to Kabul state railway, upper sec., 626; reptd. arrival and was attached to offe. of engr.-in-chief 695
Chabrel, Mr. M. J., asst. engr., posted to Lahore divn., Punjab northern state railway ... 642
Charts, &c., of marine surv. dept. available 377, 390, 403, 416, 444, 458, 481, 492, 516, 539, 552, 564, 590, 605, 618, 634, 648, 661, 689 701
Childers, Lt. E. S. E., R.E., asst. engr., 3 months' privilege leave 596
Chimnaji, Mr. N., to act as supy. inspr., post offices, 402; to be supdt. of post offices, Deccan divn. ... 550
Chiodetti, Mr. A. T., asst. engr., transfd. to Kandahar state railway, upper sec., 611; relieved of duties on Punjab northern state railway 695
Chippindall, Lt. W. H., R.E., exe. engr., received charge of Biluchistan divn., p. w. d., 372; made over charge of Pishin divn. 450; of which he had held charge temply., and also made over charge of Biluchistan divn. 498; was granted 30 days' preparatory leave 574
Christian, Mr. S., to act as supt., dead letter office, Madras 455
Cinchona febrifuge 389, 402, 415, 432, 442, 457, 471, 480, 490, 504, 515, 528, 537, 551, 563, 578, 589, 603, 617, 633, 647, 659, 678, 688 ... 700

Page

Clarke, Maj. S. C., R.E., exe. engr., relieved of duties on Kurram valley state railway surv. 477; reptd. arrival at Sibi 545; to retain charge of Sibi, Hurnai and Thull, Lower Bolan, Jacobabad and Dadur road, an executive charge separated from Biluchistan divn. p. w. d. 667
Claudius, Mr. T. E. M., survr., 3 months' p. l. granted 545
Clay, Lt.-Col. C. H., p. l. 14 Oct. to 26 Nov. ... 668
Clementson, Mr. E. H., asst. engr., reptd. arrival at Nari, and was posted to Sharagh divn., Kandahar state railway 428; transfd. to Jacobabad sec. 546; placed temply. at disp. of engr.-in-chief, do., and transfd. from Pirchoki extension to Mittri divn.... 559
Cloëte, Mr. H. N. C., exe. engr., furlo. to Europe, 2 years, 411; availed himself of same, and 10 days' subsy. leave 559
Cole, Mr. C. J., asst. engr., passed colloquial exmn. in Hindustani 397; relieved of duties on Kandahar state railway 510; rejoined upper sec., do. ... 695
Collett, Mr. F. H., asst. engr., passed prescribed professional exmn. 396; passed colloquial exmn. in Hindustani 397; this statement cancelled ... 464
Collins, Mr. D. J., asst. survr., promtd. to 3rd grade 427
Combes, Mr. J. G., to be inspr. of post offices, Bangalore divn. 455; took charge as offg. presy. post master, Madras 577
Compigné, Surg. Maj. H. D. S., resumed medl. charge of Harowtee and Tonk agency ... 668
Comptr. Genl.'s Office—acct. of revenue and expenditure of govt. of India for 1st month of 1880-81 as compared with 1879-80, 524; 2nd do. do. 612; 3rd do. do. 672; 4th do. do. 696; acct. of profits of currency note circulation for year to 31 Mar. 1880 685
Corkery, Mr. H., asst. survr., p. l., 1 month 486; 9 days' extension 682
Corrigan, Mr. S. A. L., C.E., asst. engr., relieved of duties, mily. works branch, p. w. d., 510; 3 months' leave to study native languages 522; posted temply. to Punjab northern state railway, open line 534; passed lower standard exmn. in Hindustani 655
Corrigenda 398, 411, 439, 451, 486, 487, 558, 598, 641 684
Creagh, Capt. and Bt. Maj. O. M., v.c., Bo.S.C., subsidiary leave not exceeding 30 days 641
Cregeen, Mr. A. C., handed over charge as chief engr., Nimach-Nasirabad state railway, northern section 531
Cresswell, Mr. P. H., asst. engr., passed colloquial exmn. in Hindustani 597; transfd. to upper sec., Kandahar state railway 626
Crichton, Maj. H. McV., R.E., exe. engr., transfd. to Meerut comd. 610; recd. charge of Chakrata divn. 641
Cunliffe, Mr. F. K., furlo. 1 year 626
Currency notes reported lost:—
Akola circle 373, 400, 413, 431, 561, 587, ... 698
Allahabad circle 373, 387, 400, 431, 441, 469, 478, 489, 513, 527, 536, 549, 576, 587, 615, 631, 645, 657, 675, 686, ... 698
Bombay circle 373, 387, 400, 413, 431, 441, 454, 469, 478, 503, 513, 527, 536, 549, 561, 576, 587, 600, 615, 631, 645, 657, 675, 686, ... 698

Page

Calcutta circle 374, 387, 401, 413, 431, 441, 454, 469, 478, 489, 503, 513, 527, 536, 549, 576, 587, 601, 615, 631, 645, 658, 675, 686, ... 698
Calicut circle 374, 401, 414, 469, 514, 549, 561, 601, 616, 675, ... 686
Coconada circle 469, 550, 616, ... 675
Kurrachi circle 374, 387, 454, 469, 478, 489, 503, 514, 588, 601, 645, ... 675
Lahore circle 374, 388, 401, 414, 431, 441, 454, 469, 478, 489, 503, 514, 527, 536, 550, 561, 577, 588, 601, 616, 631, 645, 658, 676, 686, 699
Madras circle 374, 388, 401, 414, 432, 441, 454, 469, 479, 489, 503, 514, 527, 536, 550, 561, 577, 588, 601, 616, 645, 658, 676, 687, 699
Nagpur circle 388, 401, 441, 479, 490, 503, 561, 577, 588, 632, ... 658
Currency notes, (halves of 12 for Rs. 20 each) found in Indore 550, 562, ... 577
Currency notes, profits of circulation for year Apl. 1879 to Mar. 1880 685
Curry, Mr. T. E., asst. engr., transfd. to Pindi-Junction-Peshawar sec., Punjab northern state railway, 611; was relieved of duties on Pindi-Kohat sec. 627; reptd. arrival, and posted to Attock bridge division 670

D

DABHOL Creek, fixed light at Tolkweshar ... 395
D'Aguilar, Lt. F. B. G., R.E., exe. engr., made over charge of Biluchistan divn., p. w. d., 372; recd. charge of Pishin divn. 498
Dalrymple, Capt. R. G. E., p. l. 29 days ... 584
Davidson, Lt. G., R.E., asst. engr., passed prescribed professional exmn. 411; relieved of duties on Kandahar state railway 487; reposted to upper sec. of ditto 597; retnd. to it 656; posted to surv. divn. 684
Davies, Mr. J. D., asst. engr., to offe. as exe engr., Barrackpore divn., mily. works, 438; took over charge 451; passed deptl. standard exmn. in Hindustani 476
Davis, Mr. C. T., p. l., 22nd Nov. to 11th Dec. ... 653
Davis, Mr. R., asst. engr., posted to southern sec., Nimach-Nasirabad state railway, 487; recd. charge of 3rd sub-divn., 1st divn., 511; repd. arrival at Nimach 642
Daws, Mr. E. M., supdt. of post offices, transfd. to Trichinopoly divn. 676
Day, Lt. J. G., R.E., asst. engr., posted to head-quarters staff of inspr. genl. of mily. works ... 584
Dayal, Babu Shiv, asst. engr., posted to Nerbudda divn., Bhopal state railway 655
Dease, Mr. C. J., to act as inspr. of post offices, Mooltan divn. 456
Dease, Mr. P. P., exe. engr., posted to Gwal divn., Kandahar state railway, 428; to receive tempy. charge of exe. engr.'s office, Biluchistan divn., 486; relieved of duties on Kandahar state railway ... 510
DeBourbel, Lt. Col. R., R.E., made over charge of office of consg. engr. to govt. of India for guaranteed railways, Lucknow, and took that at Calcutta 597
Dempster, Mr. F. E., tel. dept., p. l., one month ... 641
Denne, Mr. R. T., asst. engr., transfd. to Indus valley state railway, traffic dept. 411; reptd. arrival at Mooltan 438; relieved of duties on Punjab northern state railway 439
Deserters, descriptions of 385, 400, 412, 440, 452, 465, 488, 526, 562, 586, 598, 615, 627, ... 657
Desmazures, Mr. C. L., transfd. temply. to office of port store-keeper, Kurrachi, 522; retransfd. (but called Mr. L. C. DesMazures) to Hurnai and Gulistan-Karez secs., Kandahar state railway, 546; relieved of duties on this line 559; resumed charge of stores magze. at Sibi 598
Dey, Babu M. L., asst. engr., m. c., six months ... 383
Dibblee, Mr. F. L., exe. engr., two months' p. l. 546; availed himself of same, and on retn. resumed charge of office. of supdt. of works, Rathial-Pindi sec., Punjab northern state railway, 575; transfd. to Gwalior-Jhansi surv. divn., Sindia railway, 585; reptd. arrival 656; was relieved of duties on Punjab northern state railway 668
Dodsworth, Mr. G. W., exe. engr., 15 months' furlo. to England 642
Doran, Mr. P. J. W., asst. survr., promtd. to 1st grade 450
Douglas, Mr. W. E., to act as 2nd grade supdt., travelling post office 456
Dressner, Lt. C. J. B. H., three months' p. l. ... 654
D'Rozario, Mr. T. C., apptd. to act in 1st grade of post office insprs. and posted to Trichinopoly 455; to act as supdt., post offices, Trichinopoly divn., 550; Calicut divn. 687
Duffin, Mr. C., tel. dept., p. l. 1 month and 10 days 573
Dumayne, Mr. T. J., asst. engr., passed deptl. standard exmn. in Hindustani 411
Duncan, Mr. P., asst. engr., passed deptl. standard exmn. in Hindustani 487; one month's p. l. ... 655
Duperier, Lt. H. W., R.E., exe. engr. (tempy.), posted to head-qrs. staff of office of inspr. genl. of mily. works 584

E

EDMUNDS, Mr. G. H., acct., Bank of Bengal, Lahore, transfd. to Allahabad 437
Edwards, Mr. G. L., loco. dept., Indus valley state railway, 3 months' spl. leave without pay ... 510
Elliott, Mr. E. C., asst. engr., joined Punjab northern state railway 372; transfd. to salt branch 499; reptd. arrival 522; 1 month's p. l. 694
Elston, Mr. J., asst. engr., 3 months' extn. of leave on m. c. 397; 3 months' more granted by H.M.'s secy. of state 585
English, Mr. R. A., asst. engr., passed p. w. code exmn. 655; joined office of exmr. of railway accts., Calcutta 683
Ewing, Mr. W. H. D., proby. asst. survr., 4th grade, m. c., 2 months 398

F

FAICHNIE, Mr. A. G., to be chief inspr. of post office of C. P. 456
Faichnie, Mr. N., to be supdt. of mails, Simla divn. 455
Fendal, Lt. J. L., to be inspr. of post offices, Ludhiana dvin. 456
Ferrier, Lt. J. A., R.E., asst. engr., posted to presdy. and Oudh comd. 510; to Lucknow divn. ... 546

Page

Finch, Mr. F., store-keeper, posted to Indus valley state railway 397; joined Indus valley state railway, and was posted to Adamwahan depôt ... 465
Fink, Mr. W. R., to offic. as chief clerk, high court 681
Finnis, Lt. H., R.E., asst. engr., posted to Pindi junction to Peshawar sec., Punjab northern state railway, 510; posted to Rawalpindi divn., mily. works 596
Firth, Mr. A. C., to be *sub. protem.* post mr., Kabul 470
Ford, Mr. P., to be a 4th grade survr. 450; p. l. for 3 months granted 583
Forest dept., sal timber in log available 562, 578, 589, 603, 617, 632, 646, 660, 678, 688 ... 700
Fowler, Mr. F. D., asst. engr., to be persnl. asst. to engr.-in-chief, Bhopal state railway ... 669
Fox, Mr. F. G. B., asst. engr., passed higher standard in Hindustani 486; p. l. one month 522
Foy, Mr., to be asst. supdt. of post office, Rawalpindi divn. 456
Foy, Mr. E., asst. engr., passed colloquial exmn. in Hindustani 625
Fraser, Mr. D., to be agent, Bank of Bengal, Dacca 437
Fraser, Mr. L. V., tel dept., p. l., 3 months ... 463
Freeman, Mr. T. F., asst. engr., p. l. commuted to 1 year's furlo. in India 409
Freeman, Mr. W. H., asst. traffic supdt., transfd. temply. to Punjab northern state railway 372; was relieved of duties on the Indus valley state railway and took charge of office of traffic supdt., Punjab northern state railway, 397; re-transfd. to Indus valley state railway 585; reptd. arrival at Sukkur 597; was relieved of duties on Punjab northern state railway 611
Fuller, Lt. C. F., R.E., exe. engr., relieved of duties on Kandahar state railway 487; re-posted to upper sec. of ditto 587; retnd. to it 656; posted to surv. divn. 684
Furnivall, Mr. J. G., store-keeper, 10 months' extn. of leave 428; further extn. of 6 months on m. c. 694
Furrell, Mr., to be asst. inspr. of post offices, Kurram divn. 456

G

Gael, Mr. C. E., exe. engr., one month's p. l. ... 682
Gahan, Mr. H. H., offg. exe. engr., reptd. retn. from p. l. 429; assumed offg. charge of constn. divn., Sindia state railway, and was relieved of same for two months' exmn. leave 439; leave confirmed 464; retnd. from leave, and resumed charge of duties 547; passed lower standard exmn. in Hindustani 558; passed deptl. standard exmn. in Hindustani 574
Garu, Mr. B. T., to act as supdt., 4th grade, travelling post office 456
Garwood, Capt. J. F., R.E., exe. engr., resumed charge of Lucknow divn., mily. works ... 438
Gazette of India, notices relative to—371, 381, 395, 409, 421, 437, 448, 463, 475, 485, 497, 509, 521, 533, 545, 557, 571, 583, 595, 609, 623, 639, 653, 667, 681 693
Gatard, Maj. M. G., p. l. to England, 90 days ... 596
Gerrard, Mr. A. S., asst engr., passed deptl. standard exmn. in Hindustani 476; transfd. to Gwalior-Jhansi surv. divn., Sindia railway, 585; reptd. departure from Rajputana state railway 611; reptd. arrival on Sindia state railway ... 656
Gibbs, Maj. G. R., attd. temply. to office of chief engr., p. w. d., C.I., 451; apptd. exe. engr., northern road divn., and recd. charge of same ... 498
Gilbert, Mr. C. F., asst. engr., reptd. himself at Ajmere 625
Gill, Mr. J. W., to act as post mr., Amritsar ... 456
Gillam, Mr. F. A., resumed charge of Rangoon branch, Bank of Bengal 437
Girdhari Lal, Lala, to be supdt. of post offices, Wardha divn., C.P. 676
Gleig, Capt. D. L. McD., post office, promtd. to 2nd grade of supdts. and posted to Kattywar divn. ... 550
Goldie, Capt. B. J., R.E., exe. engr., posted to presdy. and Oudh comd., mily. works, 546; reptd. arrival at Saugor and took over charge of Saugor divn. ... 654
Glennie, Lt. E., R.E., exe. engr., (temply.) posted to Sirhind and Lahore comd. 584; reptd. arrival at Kasauli 610; 60 days' p. l. 654
Goodfellow, Mr. A. T., asst. engr., p. l., 1 month ... 499
Gopalgad Creek, fixed light at Tolkeshwar ... 395
Gordon, Mr. J., resumed apptt. as chief acott. and depy. secy., Bank of Bengal 437
Govt. Printing, books for sale at supdt's. office 392, 405, 418, 434, 445, 459, 472, 482, 493, 505, 518, 530, 541, 554, 566, 579, 591, 606, 619, 635, 649, 662, 679, 690 703
Gracey, Capt. T., R.E., retnd. to duty 439; recd. charge of office of engr. in chief, Pindi-Junction-Peshawar sec., Punjab northern state railway ... 500
Grainger, Mr. R. E., to be supdt. of post offices, Fatehgarh divn. 676
Grant, Mr. A., asst. engr., availed himself of 6 months' language leave 427; reptd. retn. at Umballa from ditto 596; reptd. departure for Kohat 641
Grant, Lt. S., R.E., tempy. exe. engr., posted to Meerut comd., mily. works, 383; to Meerut divn. 464; passed deptl. standard exmn. 534; transfd. to office of supdg. engr., Meerut comd. ... 596
Grant, Mr. T. W., asst. engr., reptd. arrival at Neemuch and was posted to No. 2 divn., Nimach-Nassirabad state railway, 384; assumed charge of Gungrar sub-divn. 428
Gray, Mr. H., to be acott., Bank of Bengal, Lahore 437
Gray, Mr. W. B., joined office of exmr. of accts., Rajputana state railway, 511; was relieved of duties on Punjab northern state railway, open line, 574 586
Greenwood, Mr. J. A., asst. engr., 2 months' leave to study the native languages 411; reptd. departure on such leave 428; 3 months' p. l. granted ... 546
Gujadhur Lall, railway store-keeper, posted to western Rajputana state railway, northern sec., 487; reptd. arrival at Nasirabad 523; recd. charge of office of store-keeper 535
Guracharn Laskar, hospl. asst., apptd. to charge of Abu dispensary 668
Gwalia Reef—Position of—China Sea 572

H

Habibur Rahmon, Moulvi, to be supdt., post offices, Chittagong divn. 602

Page

Haigh, Mr. T. N., posted to Rathial-Pindi sec., Punjab northern state railway, 411; joined Rathial-Pindi sec., Punjab northern state railway ... 452
Hall, Mr. F. T., to be a 3rd grade supdt., travelling post office 456
Hall, Mr. G. T., asst. survr., p. l., one month ... 382
Ham, Mr. W. J., to be *sub. pro tem.* chief inspr. of post offices, C. I. 402
Haradhan Haldar, Babu, apptd. *sub. pro tem.* to be supdt., 3rd grade, travelling post office ... 456
Hare, Mr. W. H. M., asst. supdt. of tels., furlo., 18 months 476
Harman, Mr. J. M., asst. engr., passed deptl. standard exmn. 558; reptd. departure for Rangoon ... 654
Harrington, Mr. H. S., asst. engr., p. l. for 2 months granted 559; placed under orders of consg. engr. to govt. of India for guaranteed railways at Lahore for service on open line, Punjab northern state railway 585; posted to Jhelum divn. 642; retnd. from leave 656
Harrison, Mr. P. D., acctt., Bank of Bengal, Hyderabad, 6 months' leave 498
Hawkes, Mr. G., traffic dept., posted to state railways under consg. engr. for guaranteed railways, Lahore, 641; posted to Indus valley state railway 655
Hawthorne, Mr. W., to be inspr. of post offices, Amritsar divn. 456
Herbert, Lt. C., usual subsidiary leave to appear before a medl. board 694
Hewett, Mr. H. J., to act as marine offr., postal dept., 402; appted. *sub. pro tem.* as marine offr., do., 456; to act as 1st class marine offr., do. 687
Hewitt, Mr. St. J., asst. engr., posted to Bhopal divn., Bhopal state railway 655
Heymerdingner, Mr. C., tel. dept., extrdy. leave, 4 months, without pay 521
Hickson, Lt. S. A. E., R.E., asst. engr., passed prescribed professional exmn. 396; relieved of duties on Kandahar state railway 488; re-posted to Kandahar state railway, upper sec., 597; retnd. to it, but allowed to avail himself of 90 days' p. l. 656; posted to surv. divn. 684
High Court, notice regarding defended suits, transferable but not transfd. to the undefended list 371; rules relating to admn. of attorneys 421; apptt. of comrs. out of India for taking acknowledgments from married women of deeds in respect of property in British India 449
Hildebrand, Lt. A., R.E., asst. engr., posted to Meerut comd., mily. works, 558; to Ranikhet divn. 611
Hildebrand, Capt. G., R.E., recd. charge of Umballa divn., mily. works, as exe. engr. 626
Hiley, Mr. G. G., transfd. to Karachi as port store-keeper, state railway dept. 642
Hilson, Surg.-Maj. A., assumed offg. charge of office and duties of medl. offr., Rajputana state railway, 598; was relieved of same 643
Hilton, Mr. J. E, exe. engr., made over charge of Umballa divn. 626
Hine, Mr. W., to act as post mr., Delhi ... 456
Hodson, Mr. C. W., exe. engr. (tempy.), made over charge of Khanpur divn., Indus valley state railway 655
Hogan, Mr. J., asst. engr., p. l., 3 weeks 477; 4 days' extn., and on retn. was transfd. to Peshawar divn., Punjab northern state railway, 488; reptd. departure to join same 559; transfd. to Bhopal-Jhansi surv. divn., Bhopal railway surv., 585; Mr. W. E. Newham transfd. instead of him ... 611
Holder, Philip, hospl. asst., permtd. to resign govt. service 668
Holdich, Capt. T. H., R.E., surv. of India, p. l., 3 months 573
Homfray, Maj. J., availed himself of 3 months' p. l. 545
Honner, Mr. J., to offe. as presy. post mr., Madras 415
Howard, Mr. W. C., asst. comr., transfd. to Didwana 624
Hubbard, Mr. I. S., reptd. departure on 3 months' p. l. 397; reptd. retn. from p. l. 451; made over charge of accts. of Indus valley and (open line) Kandahar state railways 499; recd. charge of office of exmnr. of guaranteed railway accts., Lahore, 510; made over same 668
Hutchinson, Condr. N., posted to presdy. and Oudh comd., mily. works 558
Hutton, Mr. E., to act as chief inspr. of post offices, Rajputana 455
Hygiene Manual, prize of £100 offered for the best 477, 561, 578, 589, 602, 617, 632, 646, 660, 677, 687 700

I

INDUS Valley State railway—four pay clerks wanted 384, 397 411
Tel. offices opened and closed for public messages ... 642
Ingle, Mr. A. F., to act as depy. post master, Bombay 676
Ingle, Mr. M. F., to be *sub. pro tem.* 2nd class marine offr., p. o., 602, 687; to act as 1st class ditto 676
Ivens, Mr. F. J., loco. dept., retnd. from leave ... 679

J

JACOB, Mr. E. F., dist. traffic supdt., Bandikui dist., Rajputana state railway, 6 weeks' p. l. 575; made over charge 598; retnd. and resumed charge ... 670
James, Mr. A., asst. survr., to be a 4th grade survr. 653
James, Mr. C. S., asst. supdt., tel. dept., p. l. 1 month, 372; p. l. cancelled and furlo. on m. c., 2 months and 14 days, granted 450
James, Mr. J. O. N., depy. supdt., surv. of India, reverts to 3rd grade 621
Jamsedjee, Mr. R., to be supdt. of post offices, Ahmedabad divn. 550
Jamshedji, Mr. C., to be supdt., post master genl.'s office, Bombay 402
Jarbo, Mr. G., surv. of India, p. l., 2 months ... 573
Jardine, Mr. E., to act as marine offr., postal dept. ... 402
Jarman, Mr. S., asst. engr., posted to Jacobabad sec., Kandahar state railway, 476; reptd. arrival ... 559
Java, destruction of 1st point light-house ... 572
Jehans, Mr. H. H., to be post master, Cawnpore ... 676
Jennings, Lt. R. H., R.E., to be an asst. engr. on special duty on the line of communication beyond Chaman, in addn. to his own poll. duties ... 486
Jewett, Mr. T. H., asst. engr., passed colloquial exmn. in Hindustani 410 411

Page

Jijibhai, Mr. D., to be inspr., post offices, Kanawar divn., 402; to be supdt. of post offices, Khandeish divn. 550
Johns, Mr. E. H., asst. engr., posted to Gwalior-Jhansi surv. divn., Sindia state railway ... 669
Johnson, Mr. W. P., posted to Punjab northern state railway 522; reptd. arrival at Jhelum ... 547
Johnston, Lt. J. T., R.E., offg. exe. engr., obtained p. l. 3 months, and made over charge of Agra divn., mily. works, 383; retnd. from leave and joined Meerut divn. 558; recd. charge of same ... 584
Johnstone, Capt. W. H., R.E., made over charge of office of consg. engr. to govt. of India for guaranteed railways, Calcutta, 597; was relieved of his duties, 17th Dec. 683
Jones, Mr. A. J. P., C.E., asst. engr., passed deptl. standard exmn. 546
Jopp, Maj. K. A., R.E., exe. engr., transfd. to office of consg. engr. to govt. of India for guaranteed railways, Calcutta, 476; joined same 546; was relieved of duties on Punjab northern state railway 598
Joscelyne, Mr. D., exe. engr., apptd. to spl. surv. divn., Rajputana, p. w. d., 534; reptd. arrival at Pali, and took over charge of same ... 625
Joseph, Capt. F. W., B.S.C., exe. engr., posted to Harnai and Gulistan-Karez secs., Kandahar state railway, 411; reptd. arrival at Sibi 487; was relieved of duties on Kandahar state railway 510; rejoined 586; reposted to Kandahar state railway, upper sec., 597; posted to charge of surv. divn., Hurnai and Guilistan-Karez secs., 598; confirmed 684
Judge, Maj. C. N., R.E., exe. engr., posted to Meerut comd. 509; retnd. from p. l. and took over charge of Agra divn. 668

K

KANA KASABHAI PILLAY, Mr. V, B.A., B.L., to be inspr. of post offices, Mount divn., Madras ... 455
Kandahar state railway, Jacobabad sec., to be extended to 14th mile from Sibi, to include Pirchowki extn., and to be called the lower sec., the sec. beyond the 14th mile from Sibi to be called the upper sec. 585; Pirchowki divn. of lower sec. constituted 660
Kashmir, illustrations of ancient buildings ... 660
Keating, Mr. J., asst. survr., promtd. to 3rd grade... 653
Keelan, Mr. H. E. T., survr., p. l., 2 months 396; leave cancelled 450
Keelan, Mr. R., to act as asst. inspr. of post offices, Rawalpindi divn. 456
Keene, Mr. C. J., traffic supdt., Punjab northern state railway, p. l. 3 months 397; availed himself of it 398; will offe. in his present apptt. till relieved by Mr. Barclay 558; retnd. from p. l. ... 575
Kellie, Lt. J., R.E., to be an asst. engr. on special duty on the line of communication beyond Chaman 486; posted to Biluchistan divn., p. w. d., 624; to take charge of Pishin divn. 667; recd. charge 682
Kenery (Kundari) Island Light—Intended altn. ... 571
Kenney, Lt. A. H., R.E., asst. engr., posted to presdy. and Oudh comd. 509; posted to Fort William divn. 584; spl. leave for 1 month from 8 October 626
King, Mr. W. H., C.E., exe. engr., p. l., 2 months and 29 days 410; availed himself of it 451; retnd., and unexpired portion of leave cancelled ... 584
Kirk, Mr. H. A., tel. dept., p. l., 3 months ... 610
Kitchen, Mr. F., asst. survr., p. l., 2 months ... 409
Knolles, Mr. A. S., asst. engr., Indus valley state railway, transfd. to Larkhana divn. ... 465
Koer Pal, Pundit, to act as supdt. of p. o., Jhansi divn., N. W. P. 676

L

LACKERSTEEN, Mr. M. R., exe. engr., made over charge of Lahore divn., mily. works, 438; posted to Bhopal-Jhansi surv. divn., Bhopal railway surv., 585; temply. posted to chief engr.'s office ... 684
Lalcaca, Mr. D. M., to be supdt. of post offices Kanara divn. 550
Lamb, Mr. G. F., asst. engr., recd. charge of Agra divn., mily. works, 338; to offe. as exe. engr., Agra divn. mily. works 438; passed higher standard exmn. in Hindustani 655
Lane, Mr. C. H., to be inspr. of post offices, Hoshangabad divn., 456; to be an exmr. of post office accts. 676
LaTouche, Mr. H. D., engr.-in-chief, Sindia state railway, to hold charge of constn. divn. in addn. to his own duties 439
Law Reports, Bengal, 376, 390, 403, 416, 434, 443, 458, 471, 481, 491, 505, 516, 529, 538, 552, 564, 579, 590, 604, 618, 634, 660, 679, 682 .. 701
Law Report, Indian, 376, 390, 403, 416, 433, 445, 457, 471, 480, 491, 505, 516, 529, 538, 552, 564, 579, 590, 604, 618, 633, 647, 659, 679, 682 ... 701
Lawder, Mr. C., to be dâk supdt., Quetta divn. ... 479
Lawson, Mr. A. M., survr., p. l., 3 months ... 410
LeBreton, Mr. M. to be *sub. pro tem.* chief inspr. of post offices, northern Afghanistan ... 470
Ledger, Mr. J. C., exe. engr., posted to Nerbudda divn., Bhopal state railway 655
Leslie, Mr. R. J., to act as 4th grade supdt., travelling post office 456
Lewin, Mr. J. A., asst. engr., passed prescribed professional exmn. 396; passed colloquial exmn. in Hindustani 397
Lincke, Mr. J. E. P., exe. engr., p. l., 1 month and 24 days 611; availed himself of it ... 627
Lindsay, Lt.-Col. J. G., R.E., supdg. engr., relieved of duties on Kandahar state railway 487; re-posted to upper sec. of ditto and assumed charge of Harnai and and Gulistan Karez sec. 597
Little, Capt. J. A., S.C., recd. charge of office of engr.-in-chief, Indus valley state railway, 558; was relieved of Khanpur divn. 574; made over charge of office of engr.-in-chief, Indus valley state railway, 611; made over charge of Khanpur divn. 655; recd. charge of Multan divn. 694
Littlewood, Mr. H. R., survr., p. l., for 3 months granted 573; from 2nd (not 1st) Sept. ... 682
Lloyd, Mr. E. R. S., asst. engr., posted to Gwalior-Jhansi surv. divn., Sindia state railway, 655; Nari divn. 684
Lloyd, Mr. J., railway store-keeper, 12 months' furlo. 499; made over charge and availed himself of same 535
Lord, Mr. S. LeM., to be *sub. pro tem.* supdt. of mails, Jelalabad divn. 470

Page

Low, Mr. J., survr., m. c., 1 June to 4 July ... 498
Lyon, Mr. W. T., asst. comr., 3 months' p. l. ... 624

M

MACARTNEY, Maj. M. J., R.E., exe. engr., recd. charge of Pishin divn., p. w. d., 450; was relieved of duties on Kandahar state railway 487; to carry on duties of supdg. engr., Biluchistan divn., 667; made over charge, and was attd. to supdg. engr.'s office at Sibi 681
MacBean, Mr. A., to be agent Bank of Bengal, Benares 498
Macdonald, Col. J., surv. of India, subsdy. leave 1 to 30 Nov. 573; prepy. to retirement from 13 November 624
Macdonald, Mr. R. G., asst. acctt. genl., p. w. d., availed himself of 3 months' p. l. 498; retnd. ... 682
MacIvor, Mr. C. V., exe. engr., extn. of p. l. for 24 days 487; transfd. to Jacobabad sec., Kandahar state railway, 546; temply. placed at disp. of engr.-in-chief, Kandahar state railway, 559; correction of a date 695
Mackinnon, Mr. M. C., exe. engr., placed under orders of Consg. engr. to govt. of India for guaranteed railways at Lahore for service on the open line, Punjab northern state railway, 585; posted to Rathial ravines divn. 643
Maclean, Mr. F. G., tel. dept., p. l., 1 month and 19 days 396
Madagascar, western coast, shoal south-west of Barren Islands 609
Madge, Mr. P. M., tel. dept., p. l., 30 days, 610; 35 days 654
Madras—Changes in buoyage of port 485
Madras, Mr. S. O., asst. survr., p. l., 1 month ... 476
Maitland, Capt. G. T., S.C., exe. engr., p. l., 1 month, 558; relieved of duties in Rawalpindi comd. 668; transfd. to presdy. and Oudh comd., mily. works, 625; took charge of Barrackpore divn. 683; reptd. retn. from p. l. 626
Malacca—Intermittent flashing light on Pulo Undan 681
Mallet, Mr. R. T., supdg. engr., made over charge of office of engr.-in-chief, Indus valley state railway, 558; retnd. from p. l. and took charge of his apptt. as dir. of state railway stores 597
Manderson, Maj. T. C., R.E., exe. engr., posted to, and recd. charge of, Rawalpindi comd., mily. works 610
Manual of Hygiene, prize of £100 offered for the best 477, 561, 578, 589, 602, 617, 632, 646, 660, 677, 687 ... ... 700.
Mariners—notices to—No. 8 of 1880, fixed light at Tolkeshwar Headland, Dabhol or Anjanvel or Gopalgad Creek 395; No. 9, lights at port Ibrahim, Suez Bay, 449; No. 10, changes in the buoyage of the port of Madras 485; No. 11, intended altn. of Kenery (Kundiri) Island light 571; No. 12, flashing light on Flat Cape, Sumatra, 572; No. 13, destruction of first point light-house, Java, 572; No. 14, harbour light at Beliling, Baly Island, 572; No. 15, position of Gwalia Reef, China Sea, 572; No. 16, position of Parkin Rock, Red Sea, 595; No. 17, shoal south-west of Barren Islands, west coast of Madagascar, 609; No. 18, intended altn. in light apparatus, Calicut, 623; No. 19, lights at port Ibrahim, Suez Bay, Red Sea, 640; No. 20, intermittent flashing light on Pulo Undan, Malacca 681
Mariners—notices to—in 1878-80, 378, 391, 404, 417, 445, 458, 482, 493, 517, 540, 553, 565, 591, 606, 619, 635, 648, 662, 690 702
Martin, Capt. G. W., S.C., surv. of India, p. l. for 3 months 573
Mason, Lt. A. H., R.E., asst. engr., reptd. arrival at Lahore 694
McCay, Mr. J., asst. survr., promtd. to 2nd grade 653
McDermott, Mr. T., to act as post mr., Rawalpindi 456
McGill, Mr. J., asst. supdt., surv. of India, to offe. in 1st grade 382
McKenzie, Mr. P., asst. engr., made over charge of Chakrata divn. 641
McKillop, Mr. R., to act as supy. inspr. of post offices, Madras 455
McLoughlin, Mr. J., to be inspr. of post offices, Jabalpur divn. 456
Mehta, Mr. H. M., to act as post mr., Peshawar ... 456
Mein, Lt. A. L., R.E., asst. engr., posted to Meerut comd., mily. works, 522; joined same, and posted to Morar divn. 546
Meteorological publications for sale 376, 389, 403, 416, 433, 443, 457, 471, 480, 491, 505, 515, 529, 538, 551, 563, 579, 590, 603, 618, 633, 647, 659, 678, 688 701
Michell, Mr. T., asst. engr., reptd. himself and was posted to 1st divn., Nimach-Nasirabad state railway, 559; p. l., 1 month 626
Mint, weekly statement of silver, &c. 373, 385, 400, 413, 429, 440, 452, 465, 478, 489, 500, 511, 526, 535, 549, 575, 587, 600, 614, 631, 642, 657, 670, 686 698
Molesworth, Mr. H. B., asst. engr., passed deptl. standard exmn. in Hindustani 372; transfd. to Sohan divn., Punjab northern state railway, 428; 2 months' p. l. granted 547; availed himself of it 611; transfd. to Pindi junction to Peshawar sec. 655; Attock bridge divn. 684
Money orders on Ceylon, Italy and Denmark ... 504
Monies, Mr. W., asst. engr., 1 month's m. c. granted in June 1877 commuted to p. l., and himself transfd. to Gwalior-Jhansi divn., Sindia railway 585
Monk, Mr. L. H., exe. engr., temply. placed at disp. of engr.-in-chief, Jacobabad sec., Kandahar state railway 559
Moolraj, Lala, to act as supdt., dead letter office, Lahore 456
Morar divn., mily. works, draftsman wanted 385, 398, 415 432
Morgan, Mr. C., to be inspr. of post offices, Bellary division 455
Motiram, Mr. C., to act as supdt. of post offices, Kanara divn. 550
Moyle, Mr. G., asst. engr., made over charge of Multan divn., Indus valley state railway ... 694
Murray, Maj. H. Y., exe. engr., apptd. to charge of mily works and roads divn., Rajputana p. w. d. 625
Mukerji, Babu B. B., to be *sub-pro tem.* asst. supdt. of mails, Jelalabad divn. 470
Mullen, Surg. D. F., M. D., subsidiary leave to appear before a medl. board 610

Page

N

NAYLOR, Mr. R. deG., tel. dept., p. l., 30 days ... 573
Nelson, Mr. R. E., reverts to substantive rank as 1st grade asst. engr. 451; this order cancelled 498; recd. and made over charge of Mhow divn. ... 499
Neville, Lt. J., R.E., asst. engr., passed prescribed professional exmn. 396; relieved of duties on Kandahar state railway 488; re-posted to upper sec. of Kandahar state railway 597; retd. to it 656; posted to surv. divn. 684
Newcombe, Mr. A. C., depy. exmr. p. w. accts., resumed charge 410
Newham, Mr. W. E., asst. engr., transfd. to Bhopal-Jhansi survey divn., Bhopal railway surv., 611; relieved of duties on Rajputana state railway 695; posted to Saugor surv. divn. 669
Newill, Capt. J. H., assumed charge of office of asst. agent, govr. genl., Rajputana, 13 Nov., and of ditto, Sujangurh, 23 Nov. 694
Nicholson, Capt. W. G., R.E., exe. engr., posted to Rawal Pindi comd. 574; joined, and was temply. attd. to office of supdg. engr. 584; re-joined mily. works branch 625; reptd. departure from Rawal Pindi comd. 654
Nuthall, Maj. H. J., exe. engr., reptd. arrival at Sibi 624; to offc. as exe. engr., Biluchistan divn. 667

O

O'CALAGHAN, Mr. F. L., availed himself of p. l. 500; retnd. and assumed charge of his duties ... 559
Oddie, Mr. H. J., asst. engr., m. c., 22 June to 4 July 451: reptd. retn. and posted to office of engr.-in-chief, Pindi-Peshawar sec., Punjab northern state railway, 477; m. c., 3 months, 499; availed himself of same 500; on 6, and not on 4, Aug. 1880, 559; retn. from same 611
Ogle, Mr. M. G., survr., 3 months' p. l. granted 573
O'Hoernle, Mr., asst. engr., was relieved of duties in mily. works branch 668
Oliver, Mr. K., to be *sub. pro tem.* post mr., Aden 402
Onslow, Lt. G. C. P., R.E., posted to head qrs. of inspr. genl.'s office 383
O'Shea, Mr. F. B., to be supdt. of post offices, Konkan division 560
Owen, Surgn. W., reptd. arrival at Port Blair ... 624

P

PADDY, Maj. A. C., R.E., exe. engr., p. l., 3 months, 476; and made over charge of Ranikhet divn., mily. works, 476; retnd. to duty and resumed charge of his divn. 641
Parkin Rock, Red Sea, position of— 595
Parry, Mr. J. W., asst. engr., posted to Gwalior-Jhansi surv. divn., Sindia state railway ... 669
Patterson, Mr. J., store dept., placed at disp. of consg. engr. for railways, Lahore, for employment on open line, Punjab northern state railway ... 669
Peake, Mr. J., B.A., asst. supdt., tel. dept., p. l., 3 months 372
Peart, Maj. G. R., held charge of Sehore treasury, 16 to 25 Nov. 668

Page

Pedler, Mr. A., to be a trustee of the Indian museum 396
Peel, Lt. F., R.E., asst. engr., posted to head qrs. staff of inspr. genl. of mily. works 558
Peel, Mr. W. deW., exe. engr. (tempy.), posted to upper sec., Kandahar state railway, 585; reptd. dep. on leave and retn., and was posted to office of engr.-in-chief 656
Pemberton, Lt.-Col. R. C. B., R.E., recd. charge of office of consg. engr. to govt. of India for guaranteed railways, Lucknow 597
Penny, Mr. A., exe. engr., made over charge of Meerut divn., mily. works 584
Penrose, Mr. W. H., asst. survr., p. l., 2 months ... 486
Percy, Mr. M., presdy. post mr., Madras, p. l., one month, 415; resumed charge of his office 470; one year's furlo on m. c., and made over charge ... 577
Perkins, Lt.-Col. Æ., supdg. engr., temply. attd. to office of inspr. genl. of mily. works, and granted 3 months' p. l. 610
Peters, Maj. E. N., R.E., 25 days' p. l. 656; reptd. retn. 684; correction of a date, and unexpired portion of leave cancelled... 695
Peters, Mr. P. A., asst. survr., promtd. to 3rd grade 450
Pierson, Capt. W. H., R.E., exe engr., resumed charge of his duties in the office of the inspr. genl., mily. works 574
Playfair, Maj. A. L., subsidiary leave 1 to 4 Sept. ... 521
Porter, Lt. G. M., R.E., to offc. as exe. engr., Ferozepore divn., mily. works 410
Post office: Sea and foreign mails 375, 388, 402, 415, 432, 442, 456, 470, 479, 490, 504, 515, 528, 537, 551, 562, 577, 588, 602, 616, 632, 646, 658, 677, 687, 699; unclaimed letters, &c., at Calcutta post **office 375, 389, 402, 415, 432, 442, 456, 470, 479, 490, 504, 515, 528, 537, 551, 563, 577, 588, 602, 616, 632, 646, 658, 677, 699**; rates of commn. on value-payable parcels from 1st Aug. 1880 to be same as on money orders 388, 401, 414; apptts. made by dir. genl. 402, 415, 455, 470, 479, 550, 602, 676, 687; post-cards attd. to applications for inland money orders will be delivered to payees with the money orders 442, 455, 470; exchange of money orders between India and Ceylon arranged 504, 514, 528; limit of ditto on Italy and Denmark raised from £ 10 to £ 20, 504; also on certain other European countries and rates of commn. reduced 514, 528, 537
Premnath Pundit, joined accts. office, open line, Punjab northern state railway 575
Prickett, Mr. L. G., asst. engr., transfd. to Sohan divn., Punjab northern state railway, 384; transfd. to Jhelum divn. 429; placed under orders of consg. engr. to govt. of India for guaranteed railways at Lahore for service on open line 585; posted to Jhelum divn. 643
Prize of £ 100 offered for the best *Manual of Hygiene* for the use of the British soldier in India 477, 561, 578, 589, 602, 617, 632, 646, 660, 677, 687 ... 700
Promissory notes enfaced for payment of interest in London 399, 430, 466, 502, 512, 548, 599, 629, 644 674
Pruntz, Mr. P. F., asst. survr., promtd. to 3rd grade 641
Public works dept. half-yearly examn. 375, 389, 677, 687, 700; statement of accts. to 30th June 1880 386; to 31st July 453; to 31st Aug. 501; to 30th Sept. 560; to 8th Nov. 630; to 4th Dec. ... 671

Page

Punjab northern state railway opened to Rawal Pindi, the Rathial-Pindi sec. abolished, and the open line divided into three charges 585; stations at which public tel. messages will be recd. ... 669

R

RAGHOBA, Mr. M., to act as inspr. of post offices, Guzerat divn., and to be a supy. inspr. 402; to act in 3rd grade of insprs., and posted to Ahmedabad 456; promtd. to 3rd grade of supdts., and apptd. persnl. asst. to post mr. genl., Bombay ... 550

Rainier, Mr. P., to offe. as dist. traffic supdt., Rajputana state railway 598

Rajputana, p. w. d. divns. of Nasirabad, and Abu and Deesa amalgamated into one 625

Ramayana of Tulsi Dass 679, 689, 701

Ramsay, Mr. J., recd. charge of office of engr.-in-chief, Indus valley state railway 611

Ravenshaw, Lt. C. W., to perform the current duties of the Banswara and Pertabghur assistancy in addn. to his own duties as cantt. magte., Nimach, 584; 2 months' p. l. 683

Rebsch, Mr. S., asst. engr., passed colloquial exmn. in Hindustani 397; passed p. w. d. prescribed professional exmn. 411; was granted 3 months' p. l. on m. c. 575; transfd. to Gwalior-Jhansi surv. divn., Sindia railway, 585; joined same ... 656

Reilly, Mr. F., asst. engr., transfd. to Bhopal-Jhansi surv. divn., Bhopal railway surv., 585; this transfer cancelled 669

Reilly, Mr. T. W., survr., promtd. to 3rd grade ... 410

Reserve treasury of govt. of India, 373, 385, 400, 412, 429, 440, 452, 465, 478, 489, 500, 513, 526, 535, 549, 576, 587, 600, 614, 631, 643, 657, 670, 686 698

Rhenius, Mr. A., to act as supdt. of post offices, Kistna divn. 676

Roberts, Mr. R. N., asst. engr., p. l., 3 months ... 428

Roberts, Mr. R. W., asst. engr., transfd. to Punjab northern state railway, Pindi junction, Peshawar sec., 464; reptd. arrival and was posted to Peshawar divn. 500; joined ditto 534

Robinson, Lt. W. W., R.E., exe. engr., relieved of duties on Kandahar state railway 487; re-posted to upper sec. of Kandahar state railway 597; retd. to it 656; posted to surv. divn. 684; 90 days' p. l. 695

Roderick, Mr. J., to be post mr., Ajmere. *sub. pro tem.* 455

Rose, Mr. G. E., post office supdt., promtd. to 3rd grade 676

Rose, Mr. R., to be depy. post mr. genl., Eastern Bengal 602

Routh, Surgn. J., offtd. as senr. medl. offr., Port Blair 438

Routh, Mr. R. S. J., asst. engr., relieved of duties on Kandahar state railway 510; rejoined upper sec. of Kandahar state railway 695

Roy, Babu B., took over charge of office of railway store-keeper, Sibi 575

Roy, Babu G. C., asst. engr., passed colloquial exmn. required by p. w. code 610; was relieved of duties in C. I. 683

Roy, Babu R. L., asst. engr., p. l., 2 months, 534; availed himself of same 574; transfd. to Kandahar state railway, lower sec. 611

Page

Russell, Mr. J. W., to be supdt., depositors' dept., Bank of Bengal 437

Ryan, Mr. A. F., to act as 3rd grade supdt., travelling post office 456

S

SAHEB, Mr. G. R., supdt. of post offices, promtd. to 3rd grade 550

Sâl timber in log available, forest dept. 562, 578, 589, 603, 617, 632, 646, 660, 678, 688 ... 700

Saligram, Pundit, to act as supdt. of post offices, Gorakhpur divn. 676

Salim, Baboo L. R., asst. engr., transfd. to upper sec., Kandahar state railway 626

Sambhunath, Lalla, to be an exmr. of post office accounts 676

Savings banks, district:—Statement of transactions for quarter ending 30th June 413; ditto 30 Sept. 614; abstract of operations for year ending 31st Mar. 1880 440

Scott, Lt. B., R.E., asst. engr., passed p. w. standard exmn. in Hindustani 411

Scott, Mr. F. W. M., asst. engr., posted to Neemuch divn., C. I. 682

Scott, Mr. G. L. R., asst. survr., retired ... 427

Scott, Mr. J. R., asst. survr., p. l. 2 months 437; promtd. to 1st grade 653

Scott-Moncrieff, Lt. G. K., R.E., asst. engr., posted to Sirhind and Lahore comd., mily. works, 510; reptd. arrival at Kasauli 534

Seyers, Mr. C. W. F., asst. survr., promtd. to 2nd grade 427

Shadbolt, Mr. E. I., asst. engr., joined Bhopal state railway 642; posted to Nerbudda divn. ... 655

Shamnath, asst. engr., was relieved of duties in Central India 683

Shambunath, Lalla, to be inspr. of post offices, Ajmere division 455

Shaw, Mr. A. R., asst. comr., transfd. to Pachbudra 624; assumed and made over charge of office of asst. comr., Punjâb mines divn. 654

Shaw, Mr. W. M., tel. dept., p. l., 3 months ... 693

Shedlock, Mr. O. J., asst. engr., p. l., 1 month 477; transfd. to Nimach-Nasirabad state railway 546; relieved of duties on Punjab northern state railway 684

Shepherd Capt. C. E., B.S.C., exe. engr., assumed charge of office of engr.-in-chief, Harnai and Gulistan-Karez secs., Kandahar state railway, 575; transfd. to office of engr.-in-chief, Kandahar state railway 669

Shone, Lt. W. T., R.E., posted to Sirhind and Lahore comd., mily. works (asst. engr.) 510; reptd. arrival at supdg. engr.s' office, Lahore, 534; 50 days' p. l. 626

Short, Mr. J. B., to act as inspr. of post offices, Quetta divn., 455; to be exmr. of post office accts., British Burma 602

Sim, Lt. G. H., R.E., asst. engr., posted to Sirhind and Lahore comd., mily works, p. w. d., 372; reptd. arrival at Umballa 427; recd. charge of Lahore divn., mily. works 438

Simpson, Mr. M., asst. supdt., tel. dept., furlo., 9 months and 6 days 427

Page

Sinclair, Mr. W., survr., p. l., 3 months ... 410

Sivaditta Pande, Pundit, B.A., asst. engr., p. l., 2 months and 23 days, 511; passed p. w. d. professional exmn. 522; temply. placed at disp. of engr.-in-chief, Jacobabad sec., Kandahar state railway ... 559

Slater, Mr. E. M., to act as agent, Bank of Bengal, Bombay 475

Smart, Mr. A. W., asst. survr., m. c., 3 months ... 396

Smith, Mr. C., supdt. of post offices, promtd. to 3rd grade 550

Smith, Mr. F. St. G. M., asst. engr., posted to spl. surv. divn., Rajputana p. w. d. 625

Smith, Mr. H., to be *sub. pro tem.* supdt. of mails, Kabul divn., 470; to be supdt. of post offices, Trichinopoly divn., 550; transfd. to Coimbatore division 676

Smith, Mr. J. H., to be *sub. pro tem.* post mr., Khyber sorting office 470

Smith, Capt. P., 3 months' p. l. 668

Smith, Mr. T., reverts to substantive apptt. as agent, Bank of Bengal, Moulmein 437

Smith, Lt. W. H., R.E., asst. engr., posted to Meerut comd. 510; Meerut divn.... 534

Soin, Baboo D. S., asst. engr., transfd. to Bhopal-Jhansi surv. divn., Bhopal railway surv., 585; joined Bhopal state railway 655; posted to Bhelsa surv. divn., and relieved of duties on Punjab northern state railway 669

Sparks, Maj. J. B., S.C., exe. engr., transfd. to upper sec., Kandahar state railway, 626; apptd. port store-keeper, state railway dept., Bombay ... 642

Spratt, Lt. F. T. N., R.E., exe. engr., posted to Sirhind and Lahore comd., mily. works ... 558

Stanton, Mr. G., to be supdt. of post offices, Hoshangabad divn. 676

St. Barbe, Mr. H. L., C.S., invested with the powers of a judge of the court of small causes, to be exercised in the Mhow court during absence of Maj. Burlton on 3 months' p. l. 557

Strahan, Capt. C., R.E., depy. supdt., surv. of India, to offe. in 2nd grade 624

Suddoba, Mr. B., to be an exmr. of post office accts., Bombay circle 550

Suez Bay, lights at port Ibrahim ... 449, 640

Sullen, Mr. S., to be inspr. of post offices, Rawalpindi division 455

Sumatra, flashing light on Flat cape 572

Survey of India, maps published ... 476, 628

Swappe, Mr. C., exe. engr., joined Bhopal state railway 642; posted to Bhopal divn. ... 655

Swetenham, Maj. E., S.C., exe. engr., placed in charge of office of chief engr. and secy. to govr. genl.'s agent, C. I., in addn. to his own duties 464; made over charge of Mhow divn., p. w. d. .. 499

Swinburn, Mr. H. L., to act as inspr. of post offices, Derajat divn. 456

Swinburne, Mr., to be asst. dâk supdt., Quetta divn. 479

Synnott, Mr. W., asst. comr., transfd. to Sambhar 624; posted to charge of upper divn., internal branch, inland customs 654

T

TAIT, Mr. J., asst engr., held charge of Mittree divn., Kandahar state railway, 642; posted to Bhopal divn., Bhopal state railway 655

Page

Talbot, Capt. A. C., held charge of current duties of office of govr. genl.'s agent and chief comr. of Ajmere 625

Tanner, Mr. T. L., exe. engr., two months' p. l. granted 575; transfd. to lower sec., Kandahar state railway, 586; relieved of charge of Pind-Sultan divn., Punjab northern state railway, 598; relieved of duties on Pindi-Kohat sec. 611

Target, Mr. C. B., exe. engr., reptd. arrival at Ajmere and took over charge of Ajmere divn. ... 427

Teale, Mr. F. G., tel. supdt., p. l., three months ... 475

Telegraph offices opened and closed in June 383; July 450; Aug. 509; Sept. 557; Oct. 610; Nov. 682

Templeton, Mr. C. T., asst. survr., promtd. to 2nd grade, and granted p. l., two months ... 450

Thomason, Col. C. S., R.E., supdg. engr., recd. charge of office of supdg. engr. and secy. to govr. genl.'s agent, C. I. 464

Thomson, Mr. A. B., loco. supdt., Punjab northern state railway, retd. from three months' p. l. and resumed duties 397

Thomson, Mr. C., exe. engr., posted to Rajputana state railway 558; reptd. arrival at Agra, and took over charge of Agra divn. 627

Tickell, Mr. J. R., asst. engr., three months' language leave 488; leave confirmed 510; reptd. retn. to duty 627

Todd, Mr. H. P., to be *sub. pro tem.* a post office marine offr. 456

Todd, Mr. J., reve. surv., p. l., one month ... 450

Todd, Mr. R., asst. survr., p. l., two months ... 476

Tolkeshwar headland, fixed light at— ... 395

Toozs, Mr. R. W. L., asst. engr., p. l., one month, 522; availed himself of it 574; retd. to duty ... 597

Treasure trove, 385, 400, 429, 440, 488, 500, 511, 523, 547, 562, 600, 615, 627, 656, 684 ... 695

Tremearne, Mr. S., private secy. and clerk to chief justice, p. l., three months, 475; unexpired portion cancelled 623; to offe. as asst. regr. 681

Tuck, Mr. E. H., asst. engr., transfd. to Attock branch divn., Punjab northern state railway ... 428

Turner, Capt. S. C., R.E., posted to Meerut comd., mily. works 694

Tweedie, Lt. Col. W., assumed charge of his duties as offg. poll. agent, Western Rajputana states, and comdt., Erinpura irr. force 625

Twemlow, Maj. E. D., R.E., relieved of duty on Kandahar state railway 428; recd. charge of Biluchistan divn., p. w. d., 450; to be exe. engr. on spl. duty on the line of communication beyond Chaman 486

Tytler, Mr. T. W., to be asst. dâk supdt., Kurum division 479

U

UNIVERSITY OF CALCUTTA, changes in regulations in arts, law, medicine and engineering 374, 384, 398; text books for entrance exmn. of 1881, 384, 398; Tagore law professor to be elected 412, 432, 511, 523; dates of exmns. in 1880-81, 439, 452; students who passed exmns. in engineering 439, 452; change in selections in Latin language for entrance exmn. of 1882 693

Page

V

VANSOMEREN, Mr. W. T., to be supy. inspr. of post offices, Punjab 455
Verrieres, Mr. L., to offe. as asst. comr., Didwana ... 624
Von Ahn, Mr. C., asst. engr., re-posted to northern road divn. 683

W

WALKER, Mr. G. E., to be inspr. of post offices, Mount divn., Madras 402
Waller, Mr. J., to be post mr., Karachi ... 455
Walsh, Hony. Lt. J., asst. engr., to offe. as exe. engr., Sialkot divn., mily. works, and recd. charge 574; made over charge 654
Warde, Mr. F. E., asst. survr., p. l., one month ... 396
Warwick, Mr. C. S., apptd. stock-verifier for state railways 642
Watts, Mr. C. H., to act as marine offr., postal dept., 402; as 3rd class ditto 676
Wazeah-ood-Deen, hospl. asst., advanced to 1st class 584
Wells, Lt. H. L., R.E., joined mily. works branch, p. w. d., 476, 499; relieved of duties in ditto ... 534
Welsh, Mr. J. W., to be an exmr. of post office accts., N. W. P. 676
Westland, Mr. W., to be inspr. of branches, Bank of Bengal 437
White, Mr. H. F., to be exe. engr., Mhow divn., p. w. d., and recd. charge 499
Whiteford, Capt. W. W. B., R.E., exe. engr., relieved of duties on Kandahar state railway 487; re-posted to upper sec. of ditto 597; retd. to it 656; posted to surv. divn. 684
Whymper, Mr. F., to act. as inspr. of post offices, Nagpur divn., 456; to be an exmr. of post office accts., C. P. 676
Willcocks, Mr. J., asst. engr., reptd. arrival at Rawalpindi and was posted to Margalla divn., Punjab northern state railway 372
Williams, Mr. E. deC., to act as chief inspr. of post offices, British Burma 402
Williams, Mr. R. K., recd. charge of accts. of Indus valley state railway and open line of Kandahar state railway 499; made over charge of office of exmr. of guaranteed railway accts., Lahore ... 510
Willmot, Dr. R., Rajputana state railway, availed himself of furlo. 598
Wilson, Mr. A. B., to be a 4th grade supdt., travelling post office 456
Wilson, Mr. A. J., survr., promtd. to 2nd grade ... 410
Winckler, Mr. A. E., asst. engr., transfd. to Jacobabad divn., Kandahar state railway 559
Winckler, Mr. G. W., asst. engr., posted to Jacobabad sec., Kandahar state railway, 476; reptd. arrival 511; posted to Biluchistan divn., p. w. d. 624
Wingate, Maj. T. O., exe. engr., transfd. to Bareilly divn., mily. works, 396; recd. charge of same ... 410
Wolley-Dod, Mr. F., asst. engr., posted to Lahore divn., Punjab northern state railway ... 642
Wood, Mr. C. H., to be inspr. of post offices, Sind division 455
Wood, Mr. J. R., asst. engr., transfd. to upper sec., Kandahar state railway 626
Wood, Mr. T., port store-keeper, six months' extn. on m. c. 464; placed at disp. of consg. engr. for guaranteed railways, Lahore 626
Wood-Mason, Mr. J., availed himself of one month's p. l. 521; retnd. and took over charge of his office 573
Woodroffe, Mr. F. M., joined audit office of Oudh and Rohilkund railway accts. as a tempy. asst. exmr., 2nd grade 411

Y

YATES, Mr. L. E. H., transfd. to Punjab northern state railway 428; reptd. arrival on same ... 451

INDEX TO
The Gazette of India.
JULY TO DECEMBER 1880.
PART III.

Page

A

ADVERTISEMENTS and notices by private individuals and corporations — 65, 67, 69, 71, 85, 87, 89, 105, 111

F

FUNDS:—
Bengal Civil Fund:—Report of Adjourned Half-yearly General Meeting on Tuesday, 10th August 1880, 80; notice of a special General Meeting, Monday, 22nd November 87; report of same 113; notice of Half-yearly General Meeting, Monday 31st January 1881 ... ... — — 109
Hindu Family Annuity Fund:—Resolutions passed at Adjourned Special General Meeting of 17th July 1880, 85; abstract of audited accounts for quarters ending 30th June, 30th September, and 31st December 1879... 116
Uncovenanted Service Family Pension Fund:—Results of voting 73 ... — — ... 91

P

Promissory Notes—Reported as mislaid, lost, stolen or destroyed 65, 67, 69, 71, 75, 77, 79, 85, 88, 89, 91, 93, 95 97, 99, 101, 103, 105, 107, 109, 111, 116, 117 119

INDEX TO

The Gazette of India.

JULY TO DECEMBER 1880.

PART IV.

Page

ACTS OF THE GOVERNOR GENERAL'S COUNCIL ASSENTED TO BY THE GOVERNOR GENERAL :—

Act No. XI of 1880 :—"The Burma Courts' Act, 1880" 121, 123, 131

Act No. XII of 1880 :—"The Kazis' Act, 1880" 125, 133, 139

Act No. XIII of 1880 :—"The Vaccination Act, 1880" 127, 135, 141

Act No. XIV of 1880 :—"The Indian Census Act, 1880" 145, 149, 153

Act No. XV of 1880 :—"The Bombay Revenue Jurisdiction Act, 1880" 147, 151, 155

INDEX TO

The Gazette of India.

JULY TO DECEMBER 1880.

PART V.

	Page		
BILLS INTRODUCED INTO THE GOVERNOR GENERAL'S COUNCIL FOR MAKING LAWS AND REGULATIONS, OR PUBLISHED UNDER RULE 22:—			
No. 9 of 1880:—"The Bombay Revenue Jurisdiction Act, 1880"	199	207	211
No. 10 of 1880:—"The Administrator General's Act, 1880"	201	209	213
Report of Select Committee on Bill for appointment of Kazis	203	..	...
Report of Select Committee on Vaccination Bill	205	...	...
No. 11 of 1880:—"The Central Provinces Land Revenue Bill, 1880"	215	243	271
No. 12 of 1880:—"The Petroleum Bill, 1880"	237	265	293
No. 13 of 1880:—"Tajmahals Pension Act, 1880"	299	321	343
No. 14 of 1880:—"The Central Provinces Tenancy Bill, 1880"	303	325	347
No. 15 of 1880:—"The Presidency Small Cause Courts Bill, 1880"	365	379	401
No. 16 of 1880:—"The Indian Census Act, 1880"	393	415	423
No. 17 of 1880:—"The Pegu and Sittang Canal Act, 1880"	395	417	425
No. 18 of 1880:—"The Madras Port-dues Act, 1880"	399	421	429
No. 19 of 1880:—"The Madras Irrigation and Canal Co.'s Act, 1880"	431	437	443
No. 20 of 1880:—"The Indian Securities Act, 1880"	435	441	447
"The Indian Trusts Bill, 1880"	449	481	513
"The Indian Easements Bill, 1880"	465	497	529